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HEADQUARTERS EIGHTH ARMY
United States Army
Office of the Staff Judge Advocate

Yokohama, Japan
20 April 1949

UNITED STATES OF AMERICA VS HIROSHI TANAKA
UNITED STATES OF AMERICA VS TODAO ASAKURA
UNITED STATES OF AMERICA VS YUKIO HITOSUGI
UNITED STATES OF AMERICA VS NAKAZO IEDA
UNITED STATES OF AMERICA VS JIROKICHI KAMEDA
UNITED STATES OF AMERICA VS SHOJI KAWAI
UNITED STATES OF AMERICA VS KAMEKI KAWAMURA
UNITED STATES OF AMERICA VS TOMOHISA KAWAMURA
UNITED STATES OF AMERICA VS NOBUO KOKUBO
UNITED STATES OF AMERICA VS KINPACHI KONDO
UNITED STATES OF AMERICA VS MINORU MAYEDA
UNITED STATES OF AMERICA VS TATSUO MIZUNO
UNITED STATES OF AMERICA VS AKIHISA MURASE
UNITED STATES OF AMERICA VS TATSUO NAKAGAWA
UNITED STATES OF AMERICA VS HIDEO SAKAI
UNITED STATES OF AMERICA VS YOSHIKAZU SAWANO
UNITED STATES OF AMERICA VS TOKUICHI TANAKA
UNITED STATES OF AMERICA VS ISAO YADOIWA
UNITED STATES OF AMERICA VS MASAKAZU YAMAGISHI
UNITED STATES OF AMERICA VS ISAMU HARA
UNITED STATES OF AMERICA VS GENZO KATO
UNITED STATES OF AMERICA VS MASAO HAYASHI

## Review of the Staff Judge Advocate

1. The attached record of trial of the case of Hiroshi Tanaka, Todao Asakura, Yukio Hitosugi, Nakazo Ieda, Jirokichi Kameda, Shoji Kawai, Kameki Kawamura, Tomohisa Kawamura, Nobuo Kokubo, Kinpachi Kondo, Minoru Mayeda, Tatsuo Mizuno, Akihisa Murase, Tatsuo Nakagawa, Hideo Sakai, Yoshikazu Sawano, Tokuichi Tanaka, Isao Yadoiwa, Masakazu Yamagishi, Isamu Hara, Genzo Kato and Masao Hayashi at Yokohama, Japan, from 2 September 1947 to 25 November 1947, by a Military Commission appointed by paragraph 4, Special Orders No. 201, Headquarters Eighth Army, dated 27 August 1948, and paragraph 28, Special Orders No. 207, same headquarters, dated 4 September 1947, having been referred to the Staff Judge Advocate, this review thereof is submitted to the Commanding General.

## Personal Data Concerning Accused

NAME: Hiroshi Tanaka
AGE: 31
RESIDENCE: #144, 3-chome, Hayashiterama-machi, Ikuno-Ward, Osaka
MARITAL STATUS: Single
RELATIVES: Mother, 2 sisters, 2 brothers
EDUCATION: Graduate of Osaka Academy of Commerce
VOCATION: None
MILITARY CAREER: Called for service at 36 Regiment, Tsuruga, on 1 Feb 1942. Appointed 2nd Lt. on 1 Dec 1943. Assigned Commander of Narumi Branch Camp on 28 Dec 1943, transferred to Main Camp about end of April 1945. Assigned Commander of 8th Branch of Toyama on 10 May 1945.

DATE OF CONFINEMENT: 20 November 1945
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for sixteen (16) years
CLEMENCY RECOMMENDED BY COMMISSION: No



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NAME: Tadao Asakura
AGE: 37
RESIDENCE: c/o Kato, in front of Kano Station, Naka-machi, Gifu Prefecture
MARITAL STATUS: Married
RELATIVES: Wife, Hideko (31), mother (61), brother (24)
EDUCATION: Graduate of Toyohashi Special Commercial School, 1929
VOCATION: Manager, Gifu Branch of Shiseido Co., Ltd.
MILITARY CAREER: Supplementary medical orderly on 1 Sept 1932; released on 30 Nov 1932; extraordinary convocation into 67 Regiment on 15 Jan 1943, shifted to Nara Military Hospital on 18 Jan 1943, dispatched to Osaka POW Camp on 20 Jan 1943; transferred to Narumi Branch Camp on 28 Dec 1943; shifted to Harima detached camp on 17 July 1944; returned to Nara Military Hospital on 20 Feb 1945; rehabilitated on 18 Oct 1945 (medic lance corporal).

DATE OF CONFINEMENT: 17 March 1947
DATE OF ARRAIGNMENT: 4 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
RESULT OF TRIAL: Acquittal
DATE OF ACQUITTAL: 25 November 1947

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NAME: Yukio Hitosugi
AGE: 27
RESIDENCE: #3, No. 12 Nakanotsubo, Shimizu-shi
MARITAL STATUS: Single
RELATIVES: Father (56), mother (40), sister (29) married
EDUCATION: Graduate of Shimizu Commercial School, 1939
VOCATION: Clerk (Shirateri Shipbuilding and Iron Works Co.)
MILITARY CAREER: Taken into Shizuoka Regiment in March 1943; B class candidate for staff personnel in Oct; transferred to Main POW Camp, Osaka on 26 June 1944; attached to Narumi Branch Camp on 25 Sept 1944; promoted to Sgt. on 1 Oct, transferred to Main POW Camp, Nagoya, on 10 July 1945, rehabilitated on 1 Nov.

DATE OF CONFINEMENT: 24 January 1946
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for ten (10) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Nakazo Ieda
AGE: 23
RESIDENCE: #4 Takahama, Toyohama-cho, Chita-gun, Aichi Prefecture
MARITAL STATUS: Single
RELATIVES: Father, mother, sister
EDUCATION: Graduate of higher primary school; finished course of youth training school
VOCATION: Father's helper, agriculture and fishing
MILITARY CAREER: Joined Imperial Japanese Army April 1942, rehabilitated 30 September 1945

DATE OF CONFINEMENT: 26 January 1946
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for four (4) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Jirokichi Kameda
AGE: 38
RESIDENCE: Aichi-ken, Minami Shitara-gun, Chisato-mura, Oaza Inagi 902
MARITAL STATUS: Married
RELATIVES: Wife, 1 child, father, mother, 2 brothers, 2 sisters
EDUCATION: Graduate of Noda National School
VOCATION: Dealer
MILITARY CAREER: Called into the Central District Army 1 June 1944. Released 31 Aug 1944

DATE OF CONFINEMENT: 24 January 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for five (5) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Shoji Kawai
AGE: 28
RESIDENCE: #824 Oaza Ichiba, Doto-mura, Mugi-gun, Gifu-ken
MARITAL STATUS: Married
RELATIVES: Wife, 1 child, father, 1 grandmother, 2 brothers, 1 sister
EDUCATION: Finished higher grammar school
VOCATION: Farmer
MILITARY CAREER: Enlisted Jan 1939 in 4th Unit of Central District Army. Discharged Aug 1943. Oct 1943-15 June 1945 served as civilian employee in POW Camp

DATE OF CONFINEMENT: 17 March 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for eighteen (18) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Kameki Kawamura
AGE: 33
RESIDENCE: #73 Okehazama, Arimatsu-machi, Chita-gun, Aichi Prefecture
MARITAL STATUS: Married
RELATIVES: Wife, 2 children, mother, 3 brothers, 2 sisters
EDUCATION: Graduated higher primary school
VOCATION: Guard - Nippon Sharyo Seizo Co., Ltd.
MILITARY CAREER: Mar 1936 called to actual service; Feb 1938 released; Mar 1938 extraordinary convocation; released Jan 1941; Feb 1941 to Jan 1943 Naval employee; 25 Aug 1943 to 19 Sept 1945 personnel of POW Camp

DATE OF CONFINEMENT: 20 March 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for eighteen (18) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Tomohisa Kawamura
AGE: 36
RESIDENCE: 523 Kamishidami, Shidami-mura, Higashikasugai-gun, Aichi Prefecture
MARITAL STATUS: Married
RELATIVES: Wife, 2 daughters, 1 son, mother, 1 brother, 2 sisters
EDUCATION: Graduated higher primary school
VOCATION: Agriculture
MILITARY CAREER: Jan 1933 joined service, released 21 Dec 1934; recalled Aug 1937, released Feb 1940; recalled Nov 1942; released 8 Mar 1945

DATE OF CONFINEMENT: 20 March 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for one (1) year
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Nobuo Kokubo
AGE: 38
RESIDENCE: Aichi-ken, Chita-gun, Shinojima-mura, Aza Terahama 288
MARITAL STATUS: Married
RELATIVES: Wife, 4 children, father, mother, brother, sister
EDUCATION: Graduate of Shinojima National School
VOCATION: Fisherman
MILITARY CAREER: Called into the Imperial Japanese Army July 1937, released July 1939; recalled July 1942

DATE OF CONFINEMENT: 24 January 1947
DATE OF ARRAIGNMENT: 4 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for four (4) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Kinpachi Kondo
AGE: 29
RESIDENCE: 2564 Ifune, Fukaizawa-mura, Suzuka-gun, Mie Prefecture
MARITAL STATUS: Bachelor
RELATIVES: 2 brothers and 1 sister
EDUCATION: Finished grammar school
VOCATION: None
MILITARY CAREER: 10 Jan 1940 enlisted in Central District Army, discharged 20 Sept 1944. Guard from Nov 1944 to 4 Sept 1945

DATE OF CONFINEMENT: 1 April 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for one (1) year
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Minoru Mayeda (Maeda)
AGE: NS
RESIDENCE: Aza Tokinaga, Obayashi, Ryogen-son, Muko-gun, Hyogo Prefecture
MARITAL STATUS: NS
RELATIVES: NS
EDUCATION: NS
VOCATION: NS
MILITARY CAREER: NS

DATE OF CONFINEMENT: 20 March 1947
DATE OF ARRAIGNMENT: 4 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF ACQUITTAL: 25 November 1947
SENTENCE: Acquittal

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NAME: Tatsuo Mizuno
AGE: 30
RESIDENCE: 1,126, Moriyama-cho, Higashi Kasugai-gun, Aichi-ken
MARITAL STATUS: Married
RELATIVES: Father, mother, brother, 2 sisters
EDUCATION: Graduate of Commercial Middle School
VOCATION: Post Office Official
MILITARY CAREER: Jan 1939 to Oct 1945

DATE OF CONFINEMENT: 2 July 1946
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for eight (8) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Akihisa Murase
AGE: 33
RESIDENCE: 1568 Banchi, Hirobari, Tempaku-mura, Aichi-gun, Aichi-ken
MARITAL STATUS: Married
RELATIVES: Father, mother
EDUCATION: Graduate of Tempaku National School
VOCATION: Farming
MILITARY CAREER: Jan 1935 to May 1938

DATE OF CONFINEMENT: 2 July 1946
DATE OF ARRAIGNMENT: 4 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for one (1) year
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Tatsuo Nakagawa
AGE: 32
RESIDENCE: 1 Chome, Nino-machi, Hisai-cho, Isshi-gun, Mie-ken
MARITAL STATUS: Married
RELATIVES: 2 sisters
EDUCATION: Primary School (6 years)
VOCATION: Plasterer and radioman
MILITARY CAREER: Jan 1937 to 26 April 1940

DATE OF CONFINEMENT: 24 March 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for six (6) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Hideo Sakai
AGE: 39
RESIDENCE: c/o Doraitory No. 114, Hojin-cho, Minato-ku, Nagoya-shi
MARITAL STATUS: Married
RELATIVES: Father, mother, brother
EDUCATION: 4 years at Meirin Middle School
VOCATION: Shipper
MILITARY CAREER: 1 June 1943 to 1 July 1943

DATE OF CONFINEMENT: 24 January 1947
DATE OF ARRAIGNMENT: 4 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for four (4) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Yoshikazu Sawano
AGE: 31
RESIDENCE: Toyoki-mura, Ibi-gun, Gifu-ken
MARITAL STATUS: Single
RELATIVES: Father, brother
EDUCATION: Graduate of Middle School
VOCATION: Peasant
MILITARY CAREER: Jan 1938 to Dec 1944

DATE OF CONFINEMENT: 28 February 1946
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for four (4) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Tokuichi Tanaka
AGE: 39
RESIDENCE: 201 Oshin-machi, 3 Chome, Takayama-shi, Gifu-ken
MARITAL STATUS: Married
RELATIVES: Father, mother
EDUCATION: Nishi Primary School (6 years)
VOCATION: Plasterer
MILITARY CAREER: 10 Jan 1930 to 30 Nov 1931; 10 Mar 1932 to 15 June 1932; 15 Sept 1937 to 8 Sept 1938; 28 Dec 1943 to 15 Aug 1945, POW Camp

DATE OF CONFINEMENT: 31 August 1946
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for thirty (30) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Isao Yadoiwa
AGE: 31
RESIDENCE: No. 47 Azasetoda, Oazanawa, Ueno-machi, Chita-gun, Aichi-ken
MARITAL STATUS: Married
RELATIVES: Wife, father and mother-in-law
EDUCATION: Uchiyama Grammar School (8 years)
VOCATION: NS
MILITARY CAREER: 5 Mar 1938 to 15 Sept 1940; 20 July 1941 to 2 April 1942; 1 Mar 1944 to 19 Sept 1945, POW Camp

DATE OF CONFINEMENT: 26 January 1946
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for fifteen (15) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Masakazu Yamagishi
AGE: 32
RESIDENCE: Ekihugashi, Yanagimoto-cho, Shiki-gun, Nara-ken
MARITAL STATUS: Married
RELATIVES: Sister
EDUCATION: Graduate of Higher Grade Primary School
VOCATION: Clerk of Town Office
MILITARY CAREER: 1 July 1938 to January 1940; 9 September 1943 to 20 September 1945, POW Camp

DATE OF CONFINEMENT: 17 March 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for three (3) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Isamu Hara
AGE: 36
RESIDENCE: 410, Fukuoka-mura, Ena-gun, Gifu-ken
MARITAL STATUS: Single
RELATIVES: Mother, 3 brothers, 3 sisters
EDUCATION: Graduate of Higher Grade Primary School
VOCATION: Accountant
MILITARY CAREER: 6 years in the Imperial Japanese Army

DATE OF CONFINEMENT: 28 April 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for three (3) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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Name: Genzo Kato
AGE: 29
RESIDENCE: No. 35 Azahashi, Shigashi-minami, Qazaarimatsu, Arimatsu-machi, Chita-gun, Aichi-ken
MARITAL STATUS: Married
RELATIVES: Wife, child, father, mother, sister
EDUCATION: Higher Grammar School (8 years)
VOCATION: Laundry man
MILITARY CAREER: January 1940 to February 1943

DATE OF CONFINEMENT: 2 May 1947
DATE OF ARRAIGNMENT: 3 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for two (2) years
CLEMENCY RECOMMENDED BY COMMISSION: No

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NAME: Masao Hayashi
AGE: 35
RESIDENCE: 36 Nishigongen-cho, Seto-shi, Aichi-ken
MARITAL STATUS: Widower
RELATIVES: Father-in-law, sister, brother-in-law
EDUCATION: Graduate of Primary School
VOCATION: Painter of earthenware
MILITARY CAREER: 1933 to August 1943

DATE OF CONFINEMENT: 4 June 1946
DATE OF ARRAIGNMENT: 4 September 1947
PLACE OF TRIAL: Yokohama, Japan
PERIOD OF TRIAL: 2 September 1947 to 25 November 1947
DATE OF SENTENCE: 25 November 1947
SENTENCE: CHL for eighteen (18) months
CLEMENCY RECOMMENDED BY COMMISSION: No

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2. Synopsis of Charges, Pleas, Findings, and Legal Sufficiency:

| Charges and Specifications: | Pleas | Findings | Legally Sustained |
|---|---|---|---|
| **Hiroshi Tanaka** | | | |
| Charge: Accused, First Lieutenant, Japanese Army, at times and places set forth in specifications and during a time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |



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(All offenses were alleged to have been committed at Nagoya Area Camp No. 2)

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|---|---|---|---|
| Sp 1: Between 28 December 1943 and 1 May 1945, accused did unlawfully disregard and fail to discharge duty as camp commander by failing to provide PW's with adequate and proper quarters, shelter, heat, hygiene, rations, clothing, medicines, and attention. | NG | NG | |
| Sp 2: Between 28 December 1943 and 1 May 1945, accused did unlawfully disregard and fail to discharge duty as camp commander by compelling and permitting PW's to do work directly related to war operations. | NG | NG (R 429) | |
| Sp 3: Between 28 December 1943 and 1 May 1945, accused did unlawfully disregard and fail to discharge duty as camp commander by permitting PW's to be exposed to hazards of war, and not providing them with adequate protection from airborne warfare. | NG | NG (R 429) | |
| Sp 4: Between 28 December 1943 and 1 May 1945, accused did unlawfully disregard and fail to discharge duty as camp commander by compelling and permitting PW's to work while sick, diseased, weak, and physically unfit. | NG | G, except "compelling and". Of the excepted words, NG | Yes |
| Sp 5: In the spring of 1945, accused did willfully and unlawfully mistreat PW Max C. Kissel by beating and otherwise abusing him. | NG | G | Yes |
| Sp 6: In the latter part of 1944, accused did willfully and unlawfully mistreat PW Edward A. R. Newton by beating and otherwise abusing him. | NG | G | Yes |
| Sp 7: In the spring of 1944, accused did willfully and unlawfully mistreat PW John M. Deveraux by beating him. | NG | G | Yes |
| Sp 8: In the spring of 1945, accused did willfully and unlawfully mistreat PW Montague Jamie by beating him. | NG | G | Yes |
| Sp 9: Between 28 December 1943 and 1 May 1945, accused did willfully and unlawfully mistreat PW Stanley J. Reilly by beating him and forcing him to strike other allied PW's. | NG | Nolle Prosse (R 38) | |
| Sp 10: Between 28 December 1943 and 1 May 1945, accused did willfully and unlawfully mistreat numerous allied PW's by beating and otherwise abusing them. | NG | NG | |
| Sp 11: Between 28 December 1944 and 1 May 1945, accused did unlawfully disregard and fail to discharge duty as camp commander to restrain and control | NG | G, except "by permitting them to commit"; substituting therefor "from | Yes |



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| members of his command by permitting them to commit the following atrocities and other offenses: | | committing"; of the excepted words, NG; of substituted words, G. | |
| a. Between 28 December 1943 and 3 January 1945, the unlawful mistreatment of PW Harold Matheson, by beating and otherwise abusing him, thereby contributing to his death. | NG | G except "thereby contributing to his death"; of the excepted words, NG. | Yes |
| b. In September 1944, the unlawful mistreatment of PW W. J. Spencely by beating and otherwise abusing him thereby causing permanent injury. | NG | G | Yes |
| c. Between 28 December 1943 and 1 May 1945, the unlawful mistreatment of PW Colin A. Standish by beating and otherwise abusing him thereby causing permanent disability to his right arm. | NG | G | No. |
| d. Early in 1945, the unlawful mistreatment of PW Augusto M. Joanilho, by beating and otherwise abusing him. | NG | G | Yes |
| e. Between 28 December 1943 and 1 May 1945, the unlawful mistreatment of PW's Arthur K. Sully and James A. Gower by beating and otherwise abusing them. | NG | G | Yes |
| f. Between 28 December 1943 and 1 May 1945, the unlawful mistreatment of PW William Gittens by beating and otherwise abusing him thereby contributing to his death. | NG | NG | |
| g. Between 28 December 1943 and 1 May 1945, the unlawful mistreatment of PW Hector MacKenzie, by beating and otherwise abusing him. | NG | G | Yes |
| h. In the winter of 1944-1945, the unlawful mistreatment of PW's Rogers, Brown, and two others by forcing them to stand at attention for two hours in cold weather, inadequately clad, thereby causing suffering, illness, and contributing to the death of PW Rogers. | NG | G, except "and contributing to the death of said Rogers." | Yes |
| i. Between 28 December 1943 and 1 May 1945, the unlawful mistreatment, abuse and humiliation of PW William J. Allen by beating him and forcing him to lick a spot in which he had previously urinated. | NG | NG | |
| j. In September 1944, the unlawful mistreatment of PW's A. Josey and George Simmons by beating them thereby causing deafness of PW Simmons. | NG | NG | |
| k. Between 28 December 1943 and 1 May 1945, the unlawful mistreatment of PW H. G. Stewart, by beating him. (As amended, R 418-419). | NG | G | Yes |



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|---|---|---|---|
| l. In November 1944, the unlawful mistreatment of PW Leslie Mason by beating him. | NG | Nolle Prosse | |
| m. Between 28 December 1943 and 1 May 1945, the unlawful mistreatment of PW Montague Jamie by beating and kicking him. | NG | G | Yes |
| n. In early part of 1945, the unlawful mistreatment of PW's William S. Anderson and Alfred Cornwell by beating them. | NG | G | Yes |
| o. In January 1945, the unlawful mistreatment of PW M. A. Orsini by beating, knocking him down, and kicking him. | NG | G | Yes |
| p. In April 1945, the unlawful mistreatment of PW Moody and 12 other PW's by beating them with leather belt, denying them water, and the evening meal, and making them stand at attention 4 hours. | NG | NG | |
| q. Between 28 December 1943 and 1 May 1945, the unlawful mistreatment of PW Vincent Owens, by beating him. | NG | NG | |
| r. In February 1945, the unlawful mistreatment of PW Alfred LaBerge by beating him. | NG | Nolle Prosse | |
| s. On 15 March 1945, the unlawful mistreatment of PW Arthur Connel by beating him. | NG | G | Yes |
| t. In April 1945, the unlawful mistreatment of PW J. E. St Croix by beating him with belt and fists, kicking him, and throwing cold water on him. | NG | Nolle Prosse | |
| u. In March 1944, the unlawful mistreatment of PW G. A. Watts by beating him. | NG | NG | |
| v. In February 1945, the unlawful mistreatment of PW Donald Lowe by beating him. | NG | G | Yes |
| w. In February or March 1945, the unlawful mistreatment of PW's A. Pelletier and G. Mason, by beating them. | NG | G | Yes |
| x. During winter 1944-1945, the unlawful mistreatment of PW's Eley, Reed, Ashman, and others by beating them. | NG | G | Yes |
| y. During winter 1944-1945, the unlawful mistreatment of PW Frederick A. Brine by beating him with hands and a piece of wood. | NG | G | Yes |
| z. In April 1944, the unlawful mistreatment of PW Frederick A. Broadbridge by beating him with a wooden plank. | NG | G | Yes |



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|---|---|---|---|
| aa. During summer 1944, the unlawful mistreatment of PW Charles D. Walker, by beating him. | NG | G | Yes |
| bb. Between 28 December 1943 and 1 May 1945, the unlawful misappropriation of Red Cross and other supplies. | NG | NG (R 428) | |
| cc. Between 28 December 1943 and 1 May 1945, the unlawful imposition upon PW's of collective punishments, including deprivation of fires, extra fatigue, decreased rations, limiting recreational facilities and standing at attention. | NG | G, except "deprivation of fires for heating during cold weather, extra fatigue duty, decreasing of rations, limiting of recreational facilities, and standing at attention for offenses or violations alleged to have been committed by individual Prisoners of War." Of the excepted words, NG | No |
| dd. Between 28 December 1943 and 1 May 1945 the unlawful deprivation to PW's of the right to complain and deception of the Red Cross. | NG | NG | |
| ee. Between 28 December 1943 and 1 May 1945 the unlawful mistreatment of numerous PW's by beating and otherwise abusing them. | NG | G | Yes |
| <u>Tadao Asakura</u> | | | |
| Charge: Accused, Superior Private, Japanese Army, at times and places set forth in specifications and during a time of war between the US, its Allies and Dependencies and Japan, did violate the Laws and Customs of War (as amended, R 49). | NG | NG | |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: Between 28 December 1943 and 17 July 1944, accused did willfully and unlawfully mistreat PW Edwin Hubert Crump by beating and otherwise abusing him, thereby contributing to his death. | NG | NG | |
| Sp 2: Between 28 December 1943 and 17 July 1944, accused did willfully and unlawfully mistreat PW George Angus, by twisting his leg and otherwise abusing him. | NG | NG | |
| Sp 3: In May 1944, accused, while intoxicated, did willfully and unlawfully mistreat PW Theodore D. Smith by sticking him unnecessarily with an intervenous needle. | NG | NG | |
| Sp 4: Between 28 December 1943 and 17 July 1944, accused did willfully and unlawfully withhold and misappropriate Red Cross and other supplies. | NG | NG | |



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|---|---|---|---|
| Sp 5: Between 28 December 1943 and 17 July 1944, accused did willfully and unlawfully mistreat and torture numerous allied PW's. | NG | NG | |
| <u>Yukio Hitosugi:</u> | | | |
| Charge: Accused, Sergeant, Japanese Army, at times and places set forth in specifications and during a time of war between the US, its Allies and Dependencies and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In May 1945 accused, with others, did willfully and unlawfully mistreat PW Doyle W. Waggoner, by beating, kicking, and otherwise abusing him. | NG | NG | |
| Sp 2: In June and July 1945, accused, with others, did willfully and unlawfully mistreat PW Doyle W. Waggoner, by beating and otherwise abusing him, thereby contributing to his death. | NG | G, except "thereby contributing to his death"; of the excepted words, NG | Yes |
| Sp 3: In July 1945, accused with others, did willfully and unlawfully mistreat PW's Vincent Owens and Elmer J. White, by beating and otherwise abusing them. | NG | G | Yes |
| Sp 4: In spring 1945, accused did willfully and unlawfully mistreat PW Vincent Owens, by beating and otherwise abusing him. | NG | NG | |
| Sp 5: In April 1945, accused with others, did willfully and unlawfully mistreat PW's Samuel B. Moody, Harry V. Carrini, and other PW's by beating and otherwise abusing them. | NG | NG | |
| Sp 6: Between 25 September 1944 and 10 July 1945, accused, with others, did willfully and unlawfully mistreat PW Samuel B. Moody by beating and otherwise abusing him. | NG | NG | |
| Sp 7: Between 25 September 1944 and 10 July 1945, accused did willfully and unlawfully mistreat PW Samuel B. Moody and other PW's by beating and otherwise abusing them. | NG | G | Yes |
| Sp 8: In April 1945, accused did willfully and unlawfully mistreat numerous allied PW's by beating and otherwise abusing them. | NG | Nolle Prosse (R 38) | |
| Sp 9: In June 1945, accused did willfully and unlawfully mistreat PW Robert M. Shrum and numerous other American PW's by beating and otherwise abusing them. | NG | G | Yes |



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| Sp 10: In May 1945, accused did willfully and unlawfully mistreat PW Harold V. Rogers by beating him. | NG | G | Yes |
| Sp 11: Between 28 September 1944 and 10 July 1945, accused did willfully and unlawfully mistreat PW Robert W. Levering by forcing him to eat cigarette butts, and garbage and by beating and otherwise abusing him. | NG | G | Yes |
| Sp 12: In January 1945, accused did willfully and unlawfully mistreat approximately 14 unidentified British PW's by beating them. | NG | Nolle Prosse | |
| Sp 13: Between 23 September 1944 and 10 July 1945 accused did willfully and unlawfully mistreat numerous American and Allied PW's by beating and otherwise abusing them. (as amended) | NG | G | Yes |
| <u>Nakazo Ieda</u>: | | | |
| Charge: Accused, Sergeant, Japanese Army, at times and places set forth in specifications, and during a time of war between the US, its Allies and Dependencies and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2). | | | |
| Sp 1: In summer 1945, accused, with others, did willfully mistreat PW Doyle W. Waggoner by beating and otherwise abusing him thereby contributing to his death. | NG | NG | |
| Sp 2: On 1 August 1945, accused and others, did willfully and unlawfully mistreat PW Vincent Owens, by beating him. | NG | NG | |
| Sp 3: Between 1 July 1945 and 9 September 1945, accused, and others, did willfully and unlawfully mistreat PW David L. Tinsley by beating and kicking him. | NG | G | Yes |
| Sp 4: On 9 August 1945, accused did willfully and unlawfully mistreat PW Charles Woodhead by beating and otherwise abusing him. | NG | G | Yes |
| Sp 5: On 9 August 1945, accused did willfully and unlawfully mistreat PW James Harrington by beating him. | NG | G | Yes |
| Sp 6: Between 1 July 1945 and 1 September 1945, accused did willfully and unlawfully mistreat numerous allied PW's by beating and otherwise abusing them. | NG | G | Yes |



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Jirokichi Kameda:

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| Charge: Accused, civilian, also known as Jirokichi Ito, at times and places set forth in specifications, and during a time of war between the US, its Allies and Dependencies and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In May, June, or July 1945, accused, with others, did willfully and unlawfully mistreat PW Doyle W. Waggoner by beating and otherwise abusing him, thereby contributing to his death. | NG | NG | |
| Sp 2: In spring 1945, accused did willfully and unlawfully mistreat PW Paul Golly by beating and otherwise abusing him. | NG | G | Yes |
| Sp 3: On March 15, 1945, accused did willfully and unlawfully mistreat PW Arthur L. Connell by beating him. | NG | G | Yes |
| Sp 4: In April 1945, accused did willfully and unlawfully mistreat PW's Robert Leigh and David Walker by beating and otherwise abusing them. | NG | G | Yes |
| Sp 5: Between 20 December 1943 and 1 September 1945, accused did willfully and unlawfully mistreat numerous allied PW's, by beating and otherwise abusing them. | NG | G | Yes |

Shoji Kawai:

| | | | |
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| Charge: Accused, civilian, at times and places set forth in the specifications, and during a time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In June 1944, accused did willfully and unlawfully mistreat PW Hector L. MacKenzie by beating and otherwise abusing him. | NG | G | Yes |
| Sp 2: In latter part of 1944, accused, with others, did willfully and unlawfully mistreat PW George Haynes by beating and otherwise abusing him. | NG | G | Yes |
| Sp 3: On 15 July 1945, accused, with others, did willfully and unlawfully mistreat PW's Vincent Owens and Elmer J. White by beating them thereby fracturing Owen's arm. | NG | Nolle Prosse | |



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| Sp 4: Between 28 December 1943 and 28 June 1945, accused with others, did willfully and unlawfully mistreat PW Samuel B. Moody by beating and otherwise abusing him. | NG | G | Yes |
| Sp 5: In July 1945, accused with others, did willfully and unlawfully mistreat PW Doyle F. Waggoner by beating and otherwise abusing him thereby contributing to his death. | NG | Nolle Prosse | |
| Sp 6: In May 1945, accused, with others, did willfully and unlawfully mistreat PW Charles H. Weston by beating and otherwise abusing him. | NG | NG | |
| Sp 7: In February 1945, accused, with others, did willfully and unlawfully mistreat PW's Arthur K. Sully and James Gower by beating and otherwise abusing them. | NG | G | Yes |
| Sp 8: In January 1945, accused did willfully and unlawfully mistreat PW Montague Jamie by beating and kicking him. | NG | Nolle Prosse (R 38) | |
| Sp 9: In May 1945, accused did willfully and unlawfully mistreat PW's John A. Bristow and Lewis L. Goldstein by beating, kicking, and otherwise abusing them. | NG | G | Yes |
| Sp 10: In February 1945, accused with others, did willfully and unlawfully mistreat PW Donald M. Lowe, by beating, kicking and otherwise abusing him. | NG | G | Yes |
| Sp 11: In February 1945, accused did willfully and unlawfully mistreat PW Colin A. Standish by twisting his injured arm and otherwise abusing him. | NG | NG | |
| Sp 12: In spring 1945, accused did willfully and unlawfully mistreat PW's Joseph L. Dube and two others by beating and otherwise abusing them. | NG | G | Yes |
| Sp 13: In April 1945, accused, with others, did willfully and unlawfully mistreat PW's Samuel B. Moody, Harry V. Carrini, and others by beating and otherwise abusing them. | NG | G | Yes |
| Sp 14: Between 28 December 1943 and 28 June 1945, accused, with others, did willfully and unlawfully mistreat sick PW Archie Mabb by beating and otherwise abusing him. | NG | NG | |
| Sp 15: Between 28 December 1943 and 28 June 1945, accused, with others, did willfully and unlawfully mistreat PW Graham Franckom, by beating and otherwise abusing him. | NG | NG | |



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| Sp 16: In early 1945, accused did willfully and unlawfully mistreat PW Fred Fowler by beating him. | NG | NG | |
| Sp 17: In February or March 1945, accused, with others, did willfully and unlawfully mistreat PW Samuel B. Moody and others by beating and otherwise abusing them. | NG | NG | |
| Sp 18: In April 1945, accused, with others, did willfully and unlawfully mistreat PW's Vincent Owens and Samuel B. Moody by beating and otherwise abusing them. | NG | G | Yes |
| Sp 19: Between 28 December 1943 and 28 June 1945, accused did willfully and unlawfully mistreat numerous allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| Kameki Kawamura: | | | |
| Charge: Accused, civilian, at times and places set forth in specifications, and during a time of war between the US, its Allies and Dependencies and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In August 1945, accused, with another, did willfully and unlawfully mistreat PW's Victor G. H. Upton and Charles Woodhead by beating and otherwise abusing them. | NG | G | Yes |
| Sp 2: In February 1944, accused, with another, did willfully and unlawfully mistreat PW Colin A. Standish, by beating and otherwise abusing him. | NG | NG | |
| Sp 3: In February 1945, accused, with others, did willfully and unlawfully mistreat PW's Arthur K. Sully and James Gower, by beating and otherwise abusing them. | NG | G | Yes |
| Sp 4: Between 28 December 1943 and 27 January 1945, accused did willfully and unlawfully mistreat PW Harold Matheson, by beating and otherwise abusing him thereby contributing to his death. | NG | NG | |
| Sp 5: In Winter 1944-1945, accused did willfully and unlawfully mistreat PW's James Rogers, Kenneth Brown, and others by beating and otherwise abusing them thereby contributing to the death of Rogers. | NG | G, except "thereby contributing to the death of Rogers"; of the excepted words, NG. | Yes |
| Sp 6: In March 1945, accused did willfully and unlawfully mistreat PW's Gustave Masson and Algu A. Pelletier by beating and otherwise abusing them. | NG | G | Yes |



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| Sp 7: In July 1945, accused, with others, did willfully and unlawfully mistreat PW's Vincent Owens and John D. White, thereby causing permanent injury to Owens. | NG | NG | |
| Sp 8: Between 28 December 1943 and 19 September 1945, accused, with others, did willfully and unlawfully mistreat PW Samuel B. Moody, by beating and otherwise abusing him. | NG | G | Yes |
| Sp 9: In Winter 1944-1945, accused and another, did willfully and unlawfully mistreat PW's Jan Solecki and others by beating and otherwise abusing them. | NG | G | Yes |
| Sp 10: In August 1945, accused did willfully and unlawfully mistreat PW Robert Leigh by beating and otherwise abusing him. | NG | NG | |
| Sp 11: In Summer 1944, accused did willfully and unlawfully mistreat PW G. D. Sloss by beating and otherwise abusing him. | NG | G | Yes |
| Sp 12: Between 28 December 1943 and 19 September 1945, accused did willfully and unlawfully mistreat PW's Alfred Cornwell and William S. Anderson by beating them. | NG | G | Yes |
| Sp 13: Between 28 December 1943 and 19 September 1945, accused did willfully and unlawfully mistreat numerous allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| Tomohisa Kawamura: | | | |
| Charge: Accused, Master Sergeant, Japanese Army, at times and places set forth in specifications and during a time of war between the US, its Allies and Dependencies, and Japan, did violate Laws and Customs of War. | NG | G | Yes |
| Sp 1: Between 15 October 1944 and 1 March 1945, at Nagoya Area PW Camp Number 2, accused did willfully and unlawfully mistreat PW Walter N. Riley, by beating and otherwise abusing him. | NG | G | Yes |
| Sp 2: Between 15 October 1944 and 1 March 1945, at Nagoya Area PW Camp Number 2, accused did willfully and unlawfully mistreat numerous allied PW's by beating and otherwise abusing them. | NG | NG (on motion) | |
| Nobuo Kokubo: | | | |
| Charge: Accused, civilian, at times and places set forth in the specifications, and during a time of war between the US, its Allies and Dependencies and Japan, did violate the Laws and Customs of War. | NG | G | Yes |



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| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: Between 1 April 1944 and 15 July 1945, accused, with others, did willfully and unlawfully mistreat PW Doyle W. Waggoner, by beating and otherwise abusing him thereby contributing to his death. | NG | NG | |
| Sp 2: Between 1 April 1944 and 2 September 1945, accused did willfully and unlawfully mistreat PW Samuel B. Moody by beating him. | NG | NG | |
| Sp 3: In April 1945, accused with others, did willfully and unlawfully mistreat PW's Vincent V. Owens and Samuel B. Moody by beating them. | NG | G | Yes |
| Sp 4: In May 1945, accused, with others, did willfully and unlawfully mistreat PW Charles H. Weston by beating him. | NG | NG | |
| Sp 5: Between 1 April 1944 and 1 September 1945, accused did willfully and unlawfully mistreat PW William A. Gardener by beating and otherwise abusing him. | NG | NG (on motion, R. 428) | |
| Sp 6: Between 1 April 1944 and 2 September 1945, accused, with others, did willfully and unlawfully mistreat PW Walker J. Spencely by beating and otherwise abusing him. | NG | G | Yes |
| Sp 7: Between 1 April 1944 and 2 September 1945, accused did willfully and unlawfully mistreat numerous allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| <u>Kinpachi Kondo</u>: | | | |
| Charge: Accused, civilian, at times and places set forth in specifications, and during a time of war between the US, its Allies and Dependencies and Japan, did violate Laws and Customs of War. | NG | G | Yes |
| (All offenses are alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: On 15 July 1945, accused, with others, did willfully and unlawfully mistreat PW Doyle W. Waggoner, by beating and otherwise abusing him thereby contributing to his death. | NG | G, except "thereby contributing to his death"; of the excepted words, NG | Yes |
| Sp 2: In July 1945, accused, with others did willfully and unlawfully mistreat PW's Vincent Owens and Elmer J. White by beating and kicking them. | NG | NG | |
| Sp 3: In February or March 1945, accused, with others, did willfully and unlawfully mistreat PW Samuel B. Moody and others by beating and otherwise abusing them. | NG | NG | |



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| Sp 4: Between 20 July 1944 and 19 September 1945, accused, with others, did willfully and unlawfully mistreat PW's Samuel B. Moody, Harry V. Carrini and others by beating and otherwise abusing them. | NG | NG | |
| Sp 5: In April 1945, accused, with others, did willfully and unlawfully mistreat PW's Arthur K. Sully and James Gower by beating them. | NG | NG (on motion, R. 428) | |
| Sp 6: Between 20 February 1944 and 19 September 1945, accused did willfully and unlawfully mistreat numerous allied PW's by beating and otherwise abusing them. | NG | NG (on motion, R. 428) | |
| <u>Minoru Maeda:</u> | | | |
| Charge: Accused, Leading Private, Japanese Army, at times and places set forth in the specifications and during time of war between the US, its Allies and Dependencies, and Japan, did violate Laws and Customs of War. (as amended, R. 49) | NG | NG | |
| Sp 1: Between 17 July 1944 and 15 August 1945 at Nagoya Area PW Camp Number 2, accused did willfully and unlawfully mistreat Allied PW's by beating and otherwise abusing them. | NG | NG | |
| <u>Tatsuo Mizuno:</u> | | | |
| Charge: Accused, Sergeant, Japanese Army, at times and places set forth in specifications, and during time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In February 1945, accused, with others, did willfully and unlawfully mistreat PW's Arthur K. Sully and James Gower by beating and otherwise abusing them. | NG | G | Yes |
| Sp 2: On 5 November 1944, accused did willfully and unlawfully mistreat PW Harry Finch by beating him. | NG | G | Yes |
| Sp 3: In summer 1944, accused did willfully and unlawfully mistreat PW George White by beating and otherwise abusing him. | NG | G | Yes |
| Sp 4: In February or March 1944, accused, with others, did willfully and unlawfully mistreat PW Colin A. Standish by beating and otherwise abusing him. | NG | NG (on motion, R. 428) | |



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| Sp 5: Between 20 December 1943 and 1 May 1945, accused, with others, did willfully and unlawfully mistreat PW's Jan Solecki, Clarence R. G. Hemming, and others by beating and otherwise abusing them. | NG | G | Yes |
| Sp 6: Between 20 December 1943 and 1 May 1945, accused did willfully and unlawfully withhold and convert Red Cross and other food supplies to his own use. | NG | NG | |
| Sp 7: Between 20 December 1943 and 1 May 1945, accused did willfully and unlawfully misappropriate and convert PW funds to his own use. | NG | Nolle Prosse | |
| Sp 8: Between 20 December 1942 and 1 May 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | NG (on motion, R. 428) | |
| <u>Akihisa Murase</u>: | | | |
| Charge: Accused, civilian, at times and places alleged in the specifications and during a time of war between the US, its Allies and Dependencies, and Japan, did violate Laws and Customs of War. | NG | G | Yes |
| (All offenses are alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In June and July 1945, accused did willfully and unlawfully mistreat PW Doyle W. Waggoner by beating and otherwise abusing him thereby contributing to his death. | NG | NG | |
| Sp 2: In March 1944, accused did willfully and unlawfully mistreat PW George A. Watts, by beating him. | NG | NG | |
| Sp 3: Between 1 January 1944 and 1 September 1945 accused did willfully and unlawfully mistreat PW William H. E. Coates by beating him. | NG | NG (on motion, R. 428) | |
| Sp 4: Between 1 January 1944 and 1 September 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| <u>Tatsuo Nakagawa</u>: | | | |
| Charge: Accused, civilian, at times and places set forth in specifications and during time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses, except as noted, were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |



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| Sp 1: In summer of 1944, accused did willfully and unlawfully mistreat PW Douglas Walker, by beating and otherwise abusing him. | NG | G | Yes |
| Sp 2: In December 1944, accused did willfully and unlawfully mistreat PW Jack Garcia and two others by beating and otherwise abusing them. | NG | G | Yes |
| Sp 3: Between 1 January 1944 and 6 April 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | NG | |
| Add. Sp. 1: In July 1945, at Nagoya Area PW Camp Number 5, accused, with others, did willfully and unlawfully mistreat PW's Edward Raskiewicz, John Kristopovich, and Pfc. Sheehan, by beating and otherwise abusing them. | NG | G | Yes |
| Add. Sp. 2: Between 6 April 1945 and 2 September 1945, at Nagoya Area PW Camp Number 5, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | NG | |

<u>Hideo Sakai</u>

| | | | |
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| Charge: Accused, civilian, at times and places set forth in specifications and during time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |

(All offenses were alleged to have been committed at Nagoya Area PW Camp Number 2)



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| Sp 1: Between 1 January 1944 and 2 September 1945 accused, with others, did willfully and unlawfully mistreat PW Doyle Waggoner by beating him thereby contributing to his death. | NG | NG | |
| Sp 2: Between 1 January 1944 and 2 September 1945, accused did willfully and unlawfully mistreat PW Samuel B. Moody by beating him. | NG | NG | |
| Sp 3: Between 1 January 1944 and 2 September 1945, accused did willfully and unlawfully mistreat PW Sumner T. Smith by beating and otherwise abusing him. | NG | G | Yes |
| Sp 4: Between 1 January 1944 and 2 September 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| <u>Yoshikazu Sawano:</u> | | | |
| Charge: Accused, civilian, at times set forth in specifications, and during a time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: Between 1 January 1945 and 15 July 1945, accused, and others, did willfully and unlawfully mistreat PW Doyle W. Waggoner by beating, kicking, and otherwise abusing him, thereby contributing to his death. | NG | G, except "contributing to his death"; of the excepted words, NG | Yes |
| Sp 2: Between 1 January 1945 and 31 March 1945, accused, with others, did willfully and unlawfully mistreat PW Macey F. Brent and numerous other PW's by beating and otherwise abusing them. | NG | NG | |
| Sp 3: In April 1945, accused, with others, did willfully and unlawfully mistreat PW Macey F. Brent and numerous other PW's by beating and otherwise abusing them. | NG | NG | |
| Sp 4: In April 1945, accused, with others, did willfully and unlawfully mistreat PW Charles H. Weston by beating and otherwise abusing him. | NG | NG (on motion, R. 428) | |
| Sp 5: In May 1945, accused, with others, did willfully and unlawfully mistreat PW Samuel B. Moody and 160 other PW's by beating and otherwise abusing them. | NG | NG | |
| Sp 6: In February or March 1945, accused, with others, did willfully and | NG | NG | |



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| unlawfully mistreat PW's Samuel B. Moody, Harry B. Carrini and others, by beating and otherwise abusing them. | | | |
| Sp 7: Between 1 April 1945 and 19 September 1945, accused, with others, did willfully and unlawfully mistreat PW Samuel B. Moody by beating and otherwise abusing him. | NG | G | Yes |
| Sp 8: Between 1 April 1945 and 19 September 1945, accused, with others, did willfully and unlawfully mistreat PW Macey F. Brent and other PW's by beating and otherwise abusing them. | NG | G | Yes |
| Sp 9: Between 1 January 1945 and 19 September 1945, accused did willfully and unlawfully mistreat and torture numerous Allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| <u>Tokuichi Tanaka</u>: | | | |
| Charge: Accused, civilian, at times and places set forth in specifications and during a time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses, except those indicated, were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: Between 28 December 1943 and 31 May 1945, accused did willfully and unlawfully mistreat PW Doyle W. Waggoner, by beating and otherwise abusing him. (as amended, R. 38) | NG | NG | |
| Sp 2: In April 1945, accused did willfully and unlawfully mistreat PW's Joseph L. Dube, Max C. Kissel, and David L. Tinsley by beating and otherwise abusing them. | NG | G, except "Max C. Kissel"; of the excepted words, NG. | Yes |
| Sp 3: In April 1945, accused, with others, did willfully and unlawfully mistreat PW's Samuel B. Moody, Harry V. Carrini, and others by beating and otherwise abusing them. | NG | NG | |
| Sp 4: Between 28 December 1943 and 3 September 1945, accused, with others, did willfully and unlawfully mistreat PW's Vincent Owens and Elmer J. White by beating and otherwise abusing them. | NG | NG | |
| Sp 5: Between 28 December 1943 and 3 September 1945, accused did willfully and unlawfully mistreat PW's Calvin Venable and John B. White, by beating and otherwise abusing them; PW Venable being totally blind. | NG | NG | |



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| Sp 6: In winter 1944-1945, accused, with others, did willfully and unlawfully mistreat PW Harold Matheson, by beating and otherwise abusing him, thereby contributing to his death. | NG | G, except "thereby contributing to his death"; of the excepted words, NG | Yes |
| Sp 7: Between 28 December 1943 and 3 September 1945, accused did willfully and unlawfully mistreat PW Frederick Brine, by beating and otherwise abusing him, thereby breaking a tooth. | NG | G | Yes |
| Sp 8: In February 1945, accused, with others, did willfully and unlawfully mistreat PW Colin A. Standish by beating and otherwise abusing him. | NG | G | Yes |
| Sp 9: In February 1945, accused, with others, did willfully and unlawfully mistreat PW Donald M. Lowe by beating and otherwise abusing him. | NG | G | Yes |
| Sp 10: In August 1944, accused did willfully and unlawfully mistreat PW Norman J. Cormier by beating and otherwise abusing him. | NG | NG | |
| Sp 11: In 1944, accused did willfully and unlawfully mistreat PW Walter J. Spencely by beating and otherwise abusing him. | NG | G | Yes |
| Sp 12: Between 28 December 1943 and 31 May 1945, accused and another did willfully and unlawfully mistreat PW Augusto Joanilho by beating, burning, and otherwise abusing him. | NG | G | Yes |
| Sp 13: Between 28 December 1943 and 3 September 1945, accused did willfully and unlawfully mistreat PW Montague Jamie by beating him. | NG | G | Yes |
| Sp 14: In November 1944, accused did willfully and unlawfully mistreat PW Leslie Mason by beating him. | NG | Nolle Prosse | |
| Sp 15: Between 28 December 1943 and 3 September 1945, accused, with others, did willfully and unlawfully mistreat PW Hector MacKenzie by beating and otherwise abusing him and accused did mistreat and humiliate PW Henry Hopkins by forcing him to assault said MacKenzie. | NG | G | Yes |
| Sp 16: In fall 1944, accused, with others, did willfully and unlawfully mistreat PW George Haynes by beating and otherwise abusing him. | NG | G | Yes |
| Sp 17: Between 28 December 1943 and 5 March 1945, accused, with others, did willfully and unlawfully mistreat PW William Gittens by beating him and otherwise abusing him thereby contributing to his death. | NG | NG | |



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| Sp 18: Between 28 December 1943 and 3 September 1945 accused did willfully and unlawfully mistreat PW Herbert E. Eley by beating and otherwise abusing him. | NG | G | Yes |
| Sp 19: Between 28 December 1943 and 3 September 1945, accused did willfully and unlawfully mistreat PW William H. E. Coates by beating him. | NG | G | Yes |
| Sp 20: In summer 1944, accused did willfully and unlawfully mistreat PW's Charles W. Reed and John H. Headford by beating and otherwise abusing them. | NG | G | Yes |
| Sp 21: Between 28 December 1943 and 3 September 1945, accused did willfully and unlawfully mistreat PW Daniel McConmochie by beating and otherwise abusing him. | NG | G | Yes |
| Sp 22: Between 28 December 1943 and 3 September 1945, accused, with others, did willfully and unlawfully mistreat PW Archibald Mabb by beating and otherwise abusing him. | NG | NG | |
| Sp 23: In April 1944, accused, with others, did willfully and unlawfully mistreat PW Frederick A. Broadbridge by beating and otherwise abusing him. | NG | G | Yes |
| Sp 24: In May 1945, accused did willfully and unlawfully mistreat PW Kenneth G. Davey by beating and otherwise abusing him. | NG | G | Yes |
| Sp 25: In latter part of 1944, accused did willfully and unlawfully mistreat PW's Robert Kirkwood and Edmund Malekin by beating and otherwise abusing them. | NG | G | Yes |
| Sp 26: In latter part 1944, accused did willfully and unlawfully mistreat PW Eric T. Wood by beating and otherwise abusing him. | NG | G | Yes |
| Sp 27: In latter part 1944, accused did willfully and unlawfully mistreat PW Philip E. H. Samuels by beating and otherwise abusing him. | NG | NG | |
| Sp 28: In February 1945, accused, with others, did willfully and unlawfully mistreat PW's Arthur K. Sully and James Gower by beating and otherwise abusing them. | NG | G | Yes |
| Sp 29: Between 28 December 1943 and 3 September 1945, accused did willfully and unlawfully mistreat PW Geoffrey D. Sloss by beating him with a stick. | NG | NG | |
| Sp 30: In latter part 1944, accused did willfully and unlawfully mistreat PW Charles T. Fare by beating and otherwise abusing him. | NG | NG | |



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| Sp 31: In winter 1944-1945, accused, with others, did willfully and unlawfully mistreat PW's Herbert E. Eley, Charles W. Reed, Charles R. Ashman, and others by beating and otherwise abusing them. | NG | G | Yes |
| Sp 32: In early part 1945, accused, with others, did willfully and unlawfully mistreat PW's William S. Anderson and Alfred Cornwell by beating them. | NG | G | Yes |
| Sp 33: Between 28 December 1943 and 3 September 1945, accused did willfully and unlawfully mistreat PW Ronald A. Edwards by striking him. | NG | Nolle Prosse (R. 38) | |
| Sp 34: Between 28 December 1943 and 3 September 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| (The following offenses were alleged to have taken place at Nagoya Area PW Camp No. 3) | | | |
| Add: Sp 1: In July 1945, accused with others, did willfully and unlawfully mistreat PW James Scott Mann by beating and otherwise abusing him thereby contributing to his death. | NG | G, except "thereby contributing to his death"; of the excepted words, NG | Yes |
| Add. Sp 2: In June 1945, accused, with others, did willfully and unlawfully mistreat PW's Earl G. Thurman, Sam Stephenson, Joseph Zider, and others, by beating and otherwise abusing them. (as amended) | NG | G | Yes |
| Add. Sp 3: Between 1 June 1945 and 30 September 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| <u>Isao Yadoiwa:</u> | | | |
| Charge: Accused, civilian, at times and places set forth in specifications, and during a time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: Between 1 April 1944 and 19 September 1945, accused, with others, did willfully and unlawfully mistreat PW Doyle W. Waggoner, by beating and otherwise abusing him, thereby contributing to his death. | NG | G, except "thereby contributing to his death"; of the excepted words, NG. | Yes |
| Sp 2: In May or June 1945, accused, with others, did willfully and unlawfully mistreat PW Charles H. Weston by beating him. | NG | G | Yes |



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| Sp 3: In June or July 1945, accused, with others, did willfully and unlawfully mistreat PW's Elmer J. White and Vincent Owens by beating and otherwise abusing them thereby causing permanent injury to said Owens. | NG | G | Yes |
| Sp 4: In June 1945, accused did willfully and unlawfully mistreat PW John A. Bristow by beating and otherwise abusing him. | NG | G | Yes |
| Sp 5: Between 1 January and 1 September 1945, accused, with others, did willfully and unlawfully mistreat PW's Milliard A. Orsini and Macy F. Brent by beating, kicking, and otherwise abusing them. | NG | G | Yes |
| Sp 6: In April 1945, accused, with others, did willfully and unlawfully mistreat PW's Samuel B. Moody and Vincent Owens by beating and otherwise abusing them. | NG | G | Yes |
| Sp 7: In early part 1945, accused with others, did willfully and unlawfully mistreat Samuel B. Moody and others, by beating and otherwise abusing them. | NG | NG | |
| Sp 8: In April 1945, accused, with others, did willfully and unlawfully mistreat PW's Samuel B. Moody, Harry B. Carrini and others; by beating and otherwise abusing them. | NG | G | Yes |
| Sp 9: In latter part of 1944, accused, with others, did willfully and unlawfully mistreat PW George Haynes by beating and otherwise abusing him. | NG | G | Yes |
| Sp 10: In summer 1944, accused, with others, did willfully and unlawfully mistreat PW's Charles W. Reed and John H. Headford by beating and otherwise abusing them. | NG | G | Yes |
| Sp 11: Between 1 April 1944 and 19 September 1945, accused, with others, did willfully and unlawfully mistreat PW Graham Franckon by beating and otherwise abusing him. | NG | NG | |
| Sp 12: In April 1944, accused, with others, did willfully and unlawfully mistreat PW Frederick A. Broadbridge by beating and otherwise abusing him. | NG | G | Yes |
| Sp 13: In December 1944, accused, with others, did willfully and unlawfully mistreat PW Robert Kirkwood by beating and otherwise abusing him. | NG | G | Yes |
| Sp 14: In February 1945, accused, with others, did willfully and unlawfully mistreat PW's Arthur K. Sully and James Gower by beating and otherwise abusing them. | NG | G | Yes |



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| Sp 15: Between 1 April 1944 and 15 September 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | G | Yes |
| <u>Masakazu Yamagishi</u>: | | | |
| Charge: Accused, civilian, at times and places alleged in specifications and during time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In May, June, or July 1945, accused did willfully and unlawfully mistreat PW Doyle W. Waggoner by beating and otherwise abusing him, thereby contributing to his death. | NG | G, except "thereby contributing to his death"; of the excepted words, NG. | Yes |
| Sp 2: On 1 August 1945, accused did willfully and unlawfully mistreat PW Vincent Owens by beating him. | NG | Nolle Prosse (R. 38). | |
| Sp 3: On 9 August 1945, accused, with others, did willfully and unlawfully mistreat PW's Charles Woodhead and Victor G. H. Upton by beating and otherwise abusing them. | NG | G | Yes |
| Sp 4: Between 15 January and 2 September 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | NG (on motion, R. 428) | |
| <u>Isamu Hara</u>: | | | |
| Charge: Accused, civilian, at times and places set forth in specifications, and during a time of war between the US, its Allies and Dependencies, and Japan, did violate the Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In February 1944, accused, with others, did willfully and unlawfully mistreat PW Colin A. Standish, by beating and otherwise abusing him thereby causing permanent injuries. | NG | G | Yes |
| Sp 2: On 5 November 1945, accused did willfully and unlawfully mistreat PW Edward A. R. Newton by beating and otherwise abusing him. | NG | G | Yes |
| Sp 3: Between 28 December 1943 and 25 April 1945, accused did willfully and unlawfully misappropriate Red Cross and other supplies. | NG | NG (on motion, R. 428) | |



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| Sp 4: Between 28 December 1943 and 25 April 1945, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | NG | |
| **Masao Hayashi:** | | | |
| Charge: Accused, Sergeant, Japanese Army, at times and places set forth in specifications and during time of war between the US, its Allies and Dependencies, and Japan, did violate Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: Between 1 January 1944 and 14 October 1944, accused did willfully and unlawfully mistreat PW H. G. Stewart and others by striking them. | NG | G | Yes |
| Sp 2: Between 1 January 1944 and 14 October 1944, accused did willfully and unlawfully mistreat PW Arthur E. A. Wright and others by beating them. | NG | G | Yes |
| Sp 3: Between 1 January 1944 and 14 October 1944, accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | NG (on motion, R. 428) | |
| **Genzo Kato:** | | | |
| Charge: Accused, civilian, at times and places set forth in specifications and during time of war between the US, its Allies and Dependencies, and Japan, did violate Laws and Customs of War. | NG | G | Yes |
| (All offenses were alleged to have been committed at Nagoya Area PW Camp No. 2) | | | |
| Sp 1: In May, June, or July 1945, accused did willfully and unlawfully mistreat PW Doyle W. Waggoner by beating and otherwise abusing him, thereby contributing to his death. | NG | NG (on motion, R. 428) | |
| Sp 2: Between 30 May 1944 and 2 September 1945, accused, with others, did willfully and unlawfully mistreat sick PW Archie Mabb by beating and otherwise abusing him. | NG | G | Yes |
| Sp 3: Between 30 May 1944 and 1 September 1945 accused did willfully and unlawfully mistreat numerous Allied PW's by beating and otherwise abusing them. | NG | G | Yes |

3. Evidence

a. For the Prosecution

The evidence for the prosecution, so far as it pertains to the offenses of which accused are found guilty, is as follows:



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(1) Of general application

(a) Identification

Accused were identified by former PW's William S. Anderson, Samuel B. Moody, Bernard A. Grill and Harold W. Dinsmore as follows:

T. Tanaka, by name, who was also known as "Fish Face" (R. 51, 60) and as "5 Star" (R. 63)
M. Yamagishi, known as "Violet Eyes" (R. 51)
I. Hara, by name (R. 52, 59)
Y. Hitosugi, known as "Ruby Lips" or "Rubber Lips" (R. 52, 60)
T. Asakura, by name (R. 52)
N. Ieda, by name, known as "Joe Louis" (R. 59)
Y. Sawano, known as "Mussolini" (R. 60)
T. Kawamura, by name (R. 52), and as medical sergeant (R. 59)
G. Kato, known as "Weary Willie" or "Little Willy" (R. 52, 60)
N. Kokubo, by name, known as "Brown Bomber", "Brown Shirt" or "Pontiac" (R. 52, 59)
T. Nakagawa, known as "Three Finger Jack" (R. 52, 53, 60, 72)
H. Sakai, known as "Speedo Day" (R. 53, 60) and by name (R. 60)
S. Kawai, by name, known as "Harold Lloyd" (R. 53, 58)
K. Kondo, known as "Filipino Kid" (R. 53) or "Little Filipino" or "The Flip" (R. 58)
J. Kameda, known as "Ito," "Fur Collar Mike," "Gimlet Eyes" or "Four Eyes" (R. 53) or "Fur Collar Mike" only (R. 60)
K. Kawamura, by name (R. 53, 59), known as the "Whirling Dervish" (R. 53)
H. Tanaka, by name, and as camp commandant (R. 53), and as Lt. Tanaka (R. 60)
I. Yadoiwa, known as "Dempsey" (R. 53, 60)
M. Maeda, by name (R. 54) or "Mayeda" (R. 58)
T. Mizuno, known as "Mesno" and "Gee Guts" (R. 54) and by name and as supply sergeant (R. 59) and by name (R. 63)
M. Hayashi, by name and as medical NCO (R. 54)
A. Murase, known as "Buck Tooth" (R. 54, 60)

(b) Organization

The offenses alleged in this case, with a few exceptions, occurred at Narumi PW Camp, which was established 28 December 1943. The connection of each of accused with the camp is as follows:

H. Tanaka, Camp Commander, Lt., 28 December 1943 to 25 April 1945
Y. Hitosugi, Administrative Sgt., 25 September 1944 to 10 July 1945
S. Kawai, Civilian Guard, 28 December 1943 to 28 June 1945
T. Tanaka, Civilian Guard, 28 December 1943 to 5 May 1945
T. Nakagawa, Civilian Guard, (not stated)
K. Kawamura, Civilian Admn., 28 December 1943 to 21 April 1945
I. Hara, Civilian Food Supply, 28 December 1943 to 19 April 1945
M. Yamagishi, Civilian Clothing Supply, 15 January 1945 to 19 September 1945
I. Yadoiwa, Civilian Guard, 1 April 1944 to 19 September 1945
T. Ieda, Civilian Guard, (not stated)
K. Kondo, Civilian Guard, 20 July 1944 to 19 September 1945
T. Mizuno, Pay Sergeant, 20 December 1943 to 18 April 1945
G. Kato, Civilian Guard, 30 May 1944 to 19 September 1945
T. Kawamura, Medical Master Sgt., 14 October 1944 to 1 March 1945
M. Hayashi, Medical Sgt., 28 December 1943 to 14 October 1944
T. Asakura, Medical Superior Pvt., 28 December 1943 to 17 July 1944
K. Maeda (Mayeda), Admn. Civilian, 28 December 1943 to 21 April 1945
(R. 50 and Prosecution Ex. 1)

(2) <u>As to accused H. Tanaka</u> (camp commander for part of the times covered by the specification as to other accused):

Specification 1: Failure to provide shelter, heat, etc.: Not Guilty



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Specification 2: Compelling PW's to work at war work: Not Guilty

Specification 3: Permitting PW's to be exposed to hazards of war: Not Guilty

Specification 4: Compelling and permitting PW's to work when sick and unfit. Guilty of permitting only. Due to the fact that the American PW's came from the Philippines, the cold weather caused much sickness. Only a small "allotment" of men were permitted to remain in camp with the result that only the most desperately ill were excused from work (Ex. 10). The camp PW doctor said, "My main complaint against him (Lt. Tanaka) was on account of his attitude toward sick personnel. He always insisted that full working parties were sent out, irrespective of the number of men who were fit for work. .... The number of sick personnel allowed was being continually limited, irrespective of occasional epidemics. .... For every patient who received permission to remain in camp on the following day one old patient had to be sent to the factory. ....." The doctor submitted a report in writing to Lt. Tanaka on 22 March 1944, describing in detail the deplorable physical condition of the PW's and recommended an increase in the amount of rest (Ex. 3). Similar evidence of the general condition or specific instances are found in Exhibits 52, 55, "punishments were devised to discourage illness" (Ex. 57); sick were penalized by reduced rations and denial of recreation (Exs. 58, 61a, 66, 67, 72, 79; R. 189, 220, 221, 228).

Specification 5: In late May or early June 1945, upon returning from work, a number of men were called out of ranks. They included PW's Allen, Connell, Anderson, Jamie, White, Upton and Orsini. Lt. Tanaka called out Lt. Kissel and ordered him to beat Orsini for violation of camp regulations. Kissel "pulled his punches." Lt. Tanaka then beat Kissel (Ex. 32). PW Strickland saw Kissel badly bruised afterward (Ex. 43). PW Moody testified to a similar incident but states that it occurred in the fall of 1944 and the prisoner Kissel was ordered to slap was Bowerman. There were about nine American and five British PW's present. Newton, the senior British PW present, was similarly treated (R. 350). The incident is corroborated by Newton, who fixes the date as November 5, 1944, "Guy Falkes Day" (Ex. 64). The incident is corroborated by PW Tyler (R. 309). Kissel reported a beating by Hitosugi, but made no mention of being beaten by Lt. Tanaka (Ex. 15), which beating is corroborated in Exhibit 22. PW Mabb (Ex. 78) and Golly (Ex. 22) report on different incidents. Lt. Tanaka admits slapping Kissel (Ex. 130 and R. 765).

Specification 6: H. Tanaka slapped Newton at the same time he slapped Kissel, for the same reason. The PW's had been discovered in possession of some scissors. Newton, when ordered, remonstrated against striking them. Hara struck him one "heavy" blow with the heel of his hand. Lt. Tanaka struck with his fist and knocked Newton down. When Newton arose Tanaka struck one or two blows more. Mizuno then pushed Newton to one side and struck Finch "a vicious blow on the face." The event occurred right after a formation in front of the camp office (Ex. 64). This incident is corroborated by Kirkwood (Ex. 54); Hopkins (Ex. 72); Haynes (R. 189-190), who saw that one eye was almost closed and that there were lacerations on Newton's face and stated that Hara had been instructed to beat him (R. 213, 229). Anderson was told of the incident by Newton (R. 253, 276). Lt. Tanaka admits slapping Newton (Ex. 130 and R. 765).

Specification 7: On a personal inspection of the barracks at night, Lt. Tanaka discovered that PW Devereaux had been smoking in bed or found cigarette ashes in a tray at his bed. Devereaux had been wounded in the face, and it was partially paralyzed. Tanaka struck him several times with a clenched fist and knocked him unconscious. Devereaux "suffered for a long time afterward. The whole barrack room saw the incident" (R. 190, 253; Exs. 49, 53a, 56, 66). PW Newton says there were up to a dozen blows and Devereaux suffered great pain (Ex. 64). PW Dudman says Tanaka kicked Devereaux in this instance (Ex. 68). (Probably a mistake as no one else mentions it.). Tanaka admits slapping some PW's for smoking in bed (R. 767).

Specification 8: PW Whitely states that Jamie was found with some soap in his possession at the factory. He was taken away "by guards." That evening "he looked thoroughly cowed and cold" and had to be helped "along to the station



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and to the camp." He said he had been badly beaten. On return to the camp, Jamie was ordered to report to the office, and Whitely heard later he was "thrashed" again (Ex. 73). Haynes heard of the incident and saw Jamie afterward with his face lacerated (R.190, 191). Haynes was told that Lt. Tanaka hit Jamie (R. 231). Anderson did not see the beating at the factory but talked with Jamie "that night." He was beaten by T. Tanaka, S. Kawai, T. Nakagawa and Yadoiwa (R. 257). Jamie was caught attempting to smuggle out a letter about trading soap for eggs (R. 277). Kirkwood saw Jamie's "sore face" (Ex. 54). Coates saw T. Tanaka beat Jamie (Ex. 57). Newton heard reports that H. Tanaka beat Jamie in connection with an attempt by Lt. Riley to trade soap for eggs and that Kawamura struck Riley in the office at the same time (Ex. 64). Reynolds said Jamie was one of the group present when Kissel and Newton were beaten (Specifications 5 and 6 above) (Ex. 32). (T. Tanaka admits the incident but H. Tanaka denies.)

Specification 9 (Mistreatment of PW Reilly): Nolle Prosse

Specification 10 (Mistreatment of numerous PW's): Not Guilty

Specification 11 ("Command Responsibility"): Lt. Tanaka himself slapped PW's in the presence of several members of his staff and many other PW's as is indicated by the evidence in Specifications 5, 6, 7, and 8 described above, and these incidents must have been matters of common knowledge to all his subordinates. Lt. Riley told Newton, senior British NCO, that Lt. Tanaka ordered Kawamura to beat him (Ex. 64). Dudman knows of no instance where Lt. Tanaka attempted to prevent mistreatment (Ex. 68). Newton repeatedly protested to the camp commander about summary punishment at the factory, but nothing was done (Ex. 72). "In the early days at the factory, the stick men did not use sticks." Lt. Tanaka was always "complaining" that the PW's "were undisciplined." "It was not long after this that sticks were used" (Ex. 78). "He was often present when these beatings occurred but never took any steps to have them stopped." Representations were made to him but "the men who complained were severely beaten" (Ex. 80). He was responsible (Ex. 82). Haynes' beating was reported to H. Tanaka (R. 194) and the next day he was beaten again by the same persons (R. 195). But it was also reported that H. Tanaka beat T. Tanaka because of a "violation of camp regulation" (R.231).

Specification 11a: Matheson "let himself go," became lousy and filthy, sold all his clothing and food for cigarettes. It was necessary for the senior British PW to appoint a personal guardian for him. He was admitted to the hospital suffering from malnutrition and died on 26 January 1945 (Ex. 51). According to PW Pellitier, Matheson was beaten by T. Tanaka and kicked by another on the train between 20 and 25 January 1945 because, suffering from dysentery, he could not control himself (Ex. 79a). PW Wright reported a beating by T. Tanaka with an ammunition belt in which Matheson was knocked unconscious at the factory in January 1945 (Ex. 82). PW Standish corroborates the general deterioration and mistreatment of Matheson (Ex. 84). PW Woodhead states a wholly different incident (Ex. 80). The death certificate indicates a paralytical beri beri beginning January 3, 1945, resulting in death on 26 January 1945 (Ex. 129).

Specification 11b: Spencely, a Canadian PW, in getting into the train, accidentally bumped Kokubo who reported it to T. Tanaka. Tanaka beat Spencely with his closed fist and another guard struck him with a stick. Spencely fell down (Ex. 63, 73). Kokubo beat Spencely at the same time and place (R. 73) with his stick (R. 64, 74). Anderson saw the beating by both men and Spencely had a bone broken "or something" (R. 255). Lt. (Dr.) Riley corroborates "fractured metacarpals" (Ex. 51). Spencely says he was beaten by unnamed guards for having had an accident (Ex. 64a).

Specification 11c: The Japanese personnel of the camp were divided into two factions, those for and those against the camp commander. PW Standish was a favorite of the camp commander, often had tea with him, and was appointed permanent day duty officer. Hara and T. Tanaka beat Standish because of his friendship with the camp commander in February or March of 1944, with fists and stick. Standish fell down and was kicked (Exs. 51, 53a, 57, 76, 83, 84). Standish said the beating lasted three hours, was brought on because the guards thought he had reported them to the camp commander. The next morning he could not get up and H. Tanaka came to see him and inquired as to what happened. When told he called



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all the guards into his office but, Standish believes, no disciplinary action was taken. Standish had a broken arm or one of the "tendons was broken" (Ex. 89).

Specification 11d: PW Joanilho accidentally stepped on a mould in the factory and broke it. T. Tanaka and another guard beat him with fists and belts and forced him to stand near an open furnace until his legs and shins were badly burned and blistered. When Joanilho would move back from the intense heat, T. Tanaka would beat him and push him closer again. He was under medical care for several weeks. The matter was taken up with the camp commander by the medical officer, but nothing was done about it (R. 285; Ex. 3; R. 51, 63, 64, 73, 256). PW Thirwell says the result of reporting the incident to the camp commander was that T. Tanaka beat Joanilho again when he returned to work.

Specification 11e: PW Sully, walking around in the factory, "found" a Japanese "lunchbag" and picked it up. "About an hour later" the owner of the bag identified it. Kawai "punched him"; T. Tanaka struck him with hands and belt and ordered "Gow" (Gower), the section leader to beat Sully, upon whose reluctant compliance, was "bashed in turn"; another guard beat with a stick which broke; Yadoiwa struck harder than the rest. The affair lasted four hours. On the return to camp, K. Kawamura knocked Sully unconscious after which he was placed in the guardhouse for five days, then taken before H. Tanaka who hit him but not seriously (Ex. 91, Sully). Gower said the beating involved "the theft" of a lunch box, lasted thirty minutes and named Kawai and Yadoiwa as participants at the factory and added Mizuno as the one who finally knocked him unconscious at the camp (Ex. 71a). Needham "seems to recollect" that H. Tanaka was present at the camp beating (Ex. 52). The incident is corroborated in Exhibits 53a, 64, 65, 72, 73, 74, 78; R. 206, 289.

Specification 11f: During the air raids, when the PW's were rushed back to camp, PW Gittens usually had trouble keeping up. He was often beaten but neither MacKenzie (Ex. 67), Mabb (Ex. 78) or Haynes (R. 200, 237) are able to be certain which of the Japanese guards did it. Thirwell reported a different incident at the factory and that Gittens was ninety per cent blind (Ex. 61a). The death certificate shows that Gittens died 5 March 1945, of pneumonia acquired 13 February 1945 (Ex. 128).

Specification 11g: PW MacKenzie reported being beaten. In June 1944, after joking with some Japanese at the factory about Hitler, Mussolini and Churchill one day, the next morning, at the guardhouse, he was struck eighteen times with a leather belt by Kawai. His face swelled to two or three times normal size and was severely cut and bruised (Ex. 67, MacKenzie). This incident is corroborated in Exhibits 53a, 54, 64, 65, 72, 77; R. 192, 193.

Specification 11h: PW Rogers, Brown, and others were sick in camp in November, December or January, 1944 to 1945. They were in a barracks, seated around a stove with overcoats on. K. Kawamura entered. Kawamura made them stand outdoors in bitterly cold weather in their underwear or light clothing for some hours. Both Rogers and Brown collapsed. Rogers, who had tuberculosis, died soon afterward. Brown was unconscious for two hours (Exs. 47, 51, 53a, 54, 55, 55a, 56, 62, 64, 78; R. 205, 265). H. Tanaka was probably in camp when it happened (Ex. 52). The death certificate indicates Rogers died 15 January 1945 from paralytical beri beri permeating both lungs acquired 1 November 1944 (Ex. 127).

Specification 11i (Mistreatment of PW Allen): Not Guilty

Specification 11j (Mistreatment of PW's Josey and Simmons): Not Guilty

Specification 11k: PW Stewart stated that he was slapped twice by Hayashi for not saluting and struck by an unknown guard with a stick. Seventeen others were slapped at the same time. It occurred between January 7, 1944 and May 10, 1945 (Ex. 87).

Specification 11L (Mistreatment of PW Mason): Nolle Prosse



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Specification 11m: The mistreatment of PW Jamie by T. Tanaka, Kawai, T. Nakagawa and Yadoiwa is reported at H. Tanaka, Specification 8, above.

Specification 11n: Anderson testified that he and Cornwall were unloading a truck at the factory. A Japanese had given him a piece of "miso" and he was chewing it. Kameda saw it, "leaped from behind a pillar," and beat both of them for half an hour with fists and stick. Later the same day they were beaten again, about six times each with fists by T. Tanaka for the same offense. Anderson's left eye was closed and his face severely cut and bruised. It occurred in the winter of 1944 (R. 260-262). Reynolds stated that Anderson and Connell were two of the PW's beaten by H. Tanaka and T. Tanaka at the same time as Kissel and Newton, reported in Specification 5, above (Ex. 32). Early in 1945 Anderson and Cornwall were unloading coal at the factory. K. Kawamura did not think they were working fast enough so he beat both of them with his fists (R. 263, Anderson).

Specification 11o: In January 1945, Orsini was given a small pad of paper at the factory. At the "shake down" inspection, on leaving the factory, it was found. A guard (not accused here) beat him with a rifle and kicked him for thirty minutes. Then Yadoiwa beat and kicked him for ten minutes more. His face was badly bruised and one tooth was knocked out (Ex. 36, Orsini). The incident is corroborated by PW's Meuli (Ex. 39), Ponder (Ex. 24), and Niemeyer (Ex. 37). PW Reynolds says Orsini was beaten at the same time as Kissel and Newton reported at Specification 5, above, by H. Tanaka and T. Tanaka (Ex. 32).

Specification 11p (the onion incident): On the way to the factory one morning in April 1945, PW's Moody, Reynolds, Mallati, Carrini, Weston, Knoll and others stole some onions from a garden. Discovered, they were lined up and beaten at the factory by Yadoiwa, Kawai, and T. Tanaka with hands and fist. Later, at the camp, they were beaten by Kato, Yadoiwa, T. Tanaka, Kawai, K. Kawamura and Sawano (R. 350-352, Moody). PW Mallati added that they stood at attention for some hours and went to bed without supper (Ex. 31). PW Reynolds added that H. Tanaka struck Weston, whose jaw "swelled up terribly" (Ex. 32). Moody said H. Tanaka was in camp but did not mention that he participated in the beating (R. 352). Not Guilty.

Specification 11q (Mistreatment of Vincent Owens): Not Guilty

Specification 11r (Mistreatment of Alfred La Berge): Nolle Prosse

Specification 11s: About March 15, 1945, while standing in ranks at the factory, Kameda pushed Connell against a wall, hit him in the face six or eight times with hands, then struck him over head, neck and shoulders with stick, three feet long, for fifteen minutes altogether. No reason for the beating is known. Connell was sore and discolored for several days (Ex. 45, Connell; Ex. 44, Russell). PW Reynolds includes Connell among those beaten with Kissel and Newton, Specification 5, above, (Ex. 32), but Connell does not mention it.

Specification 11t (Mistreatment of J. E. St. Croix): Nolle Prosse

Specification 11u (Mistreatment of G. A. Watts): Not Guilty

Specification 11v: In an incident involving going to the water tap, in February 1945, PW Lowe was beaten with a leather belt and kicked by T. Tanaka, Kawai and four (other) Japanese for from twenty to thirty minutes. Lowe was knocked down (Ex. 83, Lowe).

Specification 11w: In February 1945 Pelletier and Mason each smoked a cigarette before reveille. A "ration man" beat them with fists, belt, and scabbard, knocked them down, kicked them and made Pelletier stand at attention for eleven hours. Mason had to be carried back to barracks (Ex. 79a, Pelletier Corroborated by PW Brine (Ex. 111), Anderson, who named the perpetrator as K. Kawamura (R. 265, 266), Newton (Ex. 64), Hopkins (Ex. 72), and Simmons (Ex. 94) who names Hayashi as the perpetrator. The name of Mason is variously spelled "Mason" and "Masson," pronounced the latter (R. 265).



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Specification 11x: PW Ellison stated that "Ealey" (Eley), Reid and Ashman, all working party leaders, were called out of barracks in the winter of 1944-1945, made to stand at attention, and beaten with fists by T. Tanaka and others, resulting in swollen faces, black eyes and bruises (Ex. 58). Anderson testified the three were beaten "several times" by T. Tanaka (R. 264-265), but Eley states, "I had no actual bad treatment myself while engaged in work but on one occasion....." He then described the loss of his "haversack" on the train for which he was "slapped" by T. Tanaka and made to hold the haversack at arms' length for two hours (Ex. 59).

Specification 11y: PW Brine stated that, in the winter of 1944, he was beaten by T. Tanaka with hands and a piece of board because he stepped out of line to urinate. A tooth was broken off (Ex. 111).

Specification 11z: PW Broadbridge stated that, having been accused of being absent from work for about one hour in the winter of 1944, he was stood at attention for about one and one-half hours and struck in the face by hands and a wooden plank alternately by T. Tanaka, Yadoiwa and another guard, not accused. The "beating was savage and brutal" (Ex. 70). PW Anderson saw the incident (R. 259), also PW Whitely (Ex. 73).

Specification 11aa: "Douglas Walker" was beaten repeatedly by T. Nakagawa, at the factory, with a broom in the late summer of 1944. He was marked and bruised (Exs. 66, 74). PW Haynes testified to a beating, with a broom, by T. Nakagawa, but has it occur on the train returning from the factory (R. 202, 203).

Specification 11bb (Misappropriation of Red Cross supplies): Not Guilty

Specification 11cc: Fires were not permitted in the entire camp because some of the PW's kept a fire in the stove after permissible hours or because a PW was caught stealing a piece of coal (Exs. 4, 8, 9; R. 231); Exhibit 65, in which PW Coates said it was done on the orders of H. Tanaka; Exhibit 89, in which Standish said there were also such group punishment as working on rest days, standing "on parade" for hours, and cuts in rations. He also said H. Tanaka knew of these facts; Exhibit 109, which corroborates Standish; and Exhibit 57, which affirms generally that there were collective punishments.

Specification 11dd (Deprivation of Right to Complain): Not Guilty

Specification 11ee: Among the mistreatments inflicted upon PW's not covered by previously alleged specifications, which occurred during the incumbency of accused as camp commander are as follows:

(a) the mistreatment of PW Kissel, Hitosugi, Specification 13a, Paragraph (4)

(b) the mistreatment of PW Sully, Hitosugi, Specification 13d, Paragraph (4)

(c) the mistreatment of PW Gregory, Kawai, Specification 19a, Paragraph (7)

(d) the slapping of PW Kissel, Kawai, Specification 19c, Paragraph (7)

(e) the mistreatment of PW's Allen, Connell, Anderson, and others, T. Tanaka, Specification 34a, Paragraph (18)

(f) the mistreatment of PW Tyler, Sakai, Specification 4b, Paragraph (16)

At some of these incidents accused was present.

(3) <u>As to accused T. Asakura</u>

As to all charges and specifications: Not Guilty



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(4) As to accused Y. Hitosugi

Specification 1 (Mistreatment of Waggoner, May 1945): Not Guilty

Specification 2: In late June and early July 1945, PW Waggoner, who was constantly in trouble because of his craving for food, sometimes resulting in AWOL's (he and others got out almost every night to steal food), was discovered to be absent at morning roll call. An alarm was sounded, searches conducted, the police and countryside alerted. On the morning of the following day, Waggoner was discovered hidden above the rafters in the kitchen or the supply room adjoining the kitchen. He had attempted to commit suicide by slashing his throat, but was not seriously injured. He was placed in front of the guardhouse, bound, brutally beaten, tortured and abused regularly for two or three days, then confined in the guardhouse, given an extremely restricted diet, and further abused. As a result of all of this, he died two or three weeks later. In excess of twenty witnesses establish the incident, among which are Exhibits 10, 11, 12, 14, 16, 20, 22, 23, 47, 48, 49, 64, 113; R. 352, 372, 279; Exhibits 130, 131, 132, 134, 135. The death certificate indicates Waggoner died 17 July 1945 of beri beri and colitis acquired 7 July 1945 (Ex. 128).

The connection of various accused who were found guilty with the mistreatment of Waggoner is as follows:

(a) Y. Hitosugi, Exhibits 17, 23, 28a;
(b) Kondo, Exhibits 13, 21;
(c) Sawano, Exhibits 13, 17, 18, 19, 21, 28a, R. 352;
(d) Yadoiwa, Exhibits 17, 23, R. 352;
(e) Yamagishi, Exhibits 13, 17.

(No specific acts are attributed to any of these accused, nor is the extent of individual participation described except in Exhibit 19, where it is said that Sawano struck Waggoner with fists and kicked him. This occurred after the accused H. Tanaka was transferred to another camp.)

Specification 3: On 15 July 1945, Owens and White, undergoing the usual search on return to camp from the factory, were found to possess soap and oil. PW Kissel was forced to join in the beating, striking each about ten times with open hand. All three were beaten by the Japanese with fists and slippers. Owens and White were left naked on the ground for about one day. Owens' right arm was broken. The Japanese participants were Lt. Okada (H. Tanaka's successor), K. Kawamura, Hitosugi, Kawai and T. Tanaka (K. Kawamura and T. Tanaka were acquitted of this charge) Ex. 28. The incident is corroborated in Exhibit 27, but a guard other than any accused is named as perpetrator and PW Weston is added as a victim; Exhibits 26 and 24, which also name one not accused as perpetrator; Exhibit 23, Exhibit 39, R. 355, which names Hitosugi, Sawano, Kondo, Yadoiwa and Kawai. The date of the incident is set forth as follows: Exhibit 23, March or June; Exhibit 24, March; Exhibit 26, August; Exhibit 27, June; Exhibit 28, June 15; Exhibit 39, July; Record 355, early summer.

Specification 4 (Mistreatment of Vincent Owens): Not Guilty

Specification 5 (Mistreatment of Moody and others): Not Guilty

Specification 6 (Mistreatment of Samuel B. Moody): Not Guilty

Specification 7: This is the bean oil incident. In the spring of 1945, Moody and Carrini were caught bringing stolen bean oil into camp from the factory. They were lined up in front of the guardhouse and beaten by Yadoiwa, Kato, T. Tanaka, Kawai and Sawano with hands and fists (R. 362, Moody). The incident is corroborated by Kissel, who did not mention Carrini and said the perpetrators were Kawamura, Hitosugi, Kawai and T. Tanaka (Ex. 53). Exhibit 29 names Ieda as a perpetrator.

Specification 8 (Mistreatment of numerous PW's): Not Guilty



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Specification 9: In June 1945 the PW's were late lining up for work detail. Each man, including PW Shrum, was struck three or four times across the face as hard as Hitosugi could hit them (Ex. 32).

Specification 10: Hitosugi was having the PW's in barracks count off before "lights out." PW Rogers had difficulty learning the Japanese word for his number and, one man above him being absent, gave the wrong number several times. Hitosugi struck him with hands and fists for ten minutes (R. 356, 357).

Specification 11: PW Levering, a lawyer from Washington, scavengered orange peels, cigarette butts, dirty food, etc., and hid it in his gloves. Hitosugi discovered it, made him eat all of the "garbage" on the spot and slapped him between mouthsful for twenty minutes (R. 356).

Specification 12 (Mistreatment of fourteen unnamed PW's): Nolle Prosse

Specification 13:

(a) PW Max Kissel stated that he was severely beaten by "Stosugi" (Hitosugi) for five minutes, leaving him "well bruised" (Ex. 15). PW Golly corroborates this incident (Ex. 22).

(b) PW Kenneth Mitchell and all PW's in his barracks were slapped in the face with leather sandals by Hitosugi and others in August 1945 (Ex. 28a).

(c) "Also during this same period, the beating of a boy, Vic Upton, .....was savagely beaten by the same guards. ...." (Ex. 28a).

(d) PW Sully stated that early in 1945, Hitosugi hit him, the reason or severity not being stated (Ex. 91).

(e) Accused caught PW Currier chewing tar sometime after April 1945 and beat him and made him stand on a tree trunk from 9:00 to 12:00 a.m. (R. 359, 360).

(5) As to accused N. Ieda

Specification 1 (Mistreatment of PW Waggoner): Not Guilty

Specification 2 (Mistreatment of PW Owens): Not Guilty

Specification 3: PW Tinsley visited some British PW's contrary to regulations. He missed roll call. Ieda and others went in search of him, found him, brought him back to his barracks and beat him, knocking him down with fists repeatedly and kicking him (Ex. 45).

Specification 4: On 9 August 1945, PW's Woodhead and Upton were called into the camp office and beaten by Yamagishi, "the disciplinary sergeant," and another. Woodhead says he was struck twenty-five times with a two by four, knocked down, forced to rise, stand at attention, then knocked down again. After the beating he was stripped and made to stand at attention in front of the guardhouse two hours. No reason was given (Ex. 79, 80, Woodhead). PW Anderson was in another camp, but he was told of the incident after the war by Upton (R. 267, 268). Exhibit 49 corroborates the incident and perpetrators and states that Woodhead could not sit down for a long time; Upton's face was in terrible condition. PW Coates also was present and stated the beating was for threats against the Japanese after the war made by Woodhead (Ex. 56). PW Newton also corroborated the incident and perpetrators (Ex. 64). Needam saw Woodhead standing in front of the guardhouse afterward (Ex. 52) as did PW Davis (Ex. 55). Exhibit 72 corroborates the incident as to Kawamura. Ieda admitted participation (Ex. 133) but said he struck one PW in the back with his fist. "Japs present were Violet Eyes (Yamagishi), the last disciplinary NCO" and Kawamura (Ex. 56). "Joe Louis (Ieda) was the last Disciplinary Sergeant we had" (Ex. 22). Ieda used the club, Yamagishi used his fists (Ex. 56).



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Specification 5: PW Woodhead states, "On this same day (9 Aug. 1945) G. Harrington.....was also knocked down by a club in the hands of this disciplinary sergeant" (Ex. 80).

Specification 6:

(a) PW Tyler failed to salute accused while going to the latrine and accused slapped him several times very hard and pushed him in the face until he fell down (R. 320).

(b) PW Mitchell was beaten for no apparent reason by accused and others with wooden sandals and sticks until his face was a bloody pulp (Ex. 28a).

(c) Because they did not turn out fast enough when called for work detail, accused lined up 189 PW's and slapped each more than once (Ex. 114).

(6) As to accused J. Kameda (J. Ito)

Specification 1 (Mistreatment of PW Waggoner): Not Guilty

Specification 2: PW Golly was beaten by Kameda because he was chewing a piece of wood and the guards did not like PW's to be eating or chewing anything at work (Ex. 22, Golly). PW Ponder, who saw it, says Golly was chewing coal tar; was knocked down several times and his face was swollen for several days (Ex. 24). PW's Bristow (Ex. 41), Tyler (R. 322, 323), and Moody (R. 364, 365) all saw the incident.

Specification 3: The Connell incident reported at H. Tanaka, Specification 11s, Paragraph (2) above.

Specification 4: PW Leigh had injured his leg at the factory; Walker was carrying him on his back to the "factory M.I. room." Passing Kameda he struck both "a heavy blow" on the head with his stick (Ex. 63, Leigh).

Specification 5:

(a) PW Tyler identified Kameda as one of the chief participants in the beating of PW's Brent, Tyler and others, reported as the lime bag incident, Sawano, Specification 8, Paragraph (17) below.

(b) PW Anderson identified Kameda as one of the participants in the beating of Anderson and Cornwall, reported at H. Tanaka, Specification 11n, Paragraph (2) above.

(c) In the winter and spring of 1945, accused beat PW Curry, PW Waggoner (before the incident involving his death) and PW White for chewing tar (R. 323).

(7) As to accused S. Kawai

Specification 1: The MacKenzie incident reported at H. Tanaka, Specification 11g, Paragraph (2) above.

Specification 2: PW Haynes found a piece of paper with a map of Japan on it at the factory. A guard saw him looking at it, hit him over the head with his stick and took him to the rest room. He stood at attention during lunch holding a pail of water. Then T. Tanaka, Kawai, and Yadoiwa beat him with hands, fists and belts (R. 193, 194, Haynes). PW Walker saw it (Ex. 66) and named the same perpetrators.

Specification 3 (Mistreatment of PW's Owens and White): Nolle Prosse

Specification 4: This is the "bean oil incident" reported at Hitosugi, Specification 7, Paragraph (4) above.

Specification 5 (Mistreatment of Waggoner): Nolle Prosse



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Specification 6 (Mistreatment of Weston): Not Guilty

Specification 7: The Sully and Gower incident reported at H. Tanaka, Specification 11e, Paragraph (2) above.

Specification 8 (Mistreatment of Jamie): Nolle Prosse

Specification 9: In May 1945 Bristow and Goldstein were given a rest period of one and one-half hours to clean up after unloading charcoal. After cleaning up they were resting and eating some "cardboard," a pig feed, given them by a PW. Two guards accused them of loafing, demanded to know the source of the food, slapped them, and took them to Kawai who forced them to eat the "cardboard" one chunk at a time and slapped each of them "at least twenty times" (Ex. 42, Bristow; Ex. 30, Goldstein); PW Tyler saw it and said Kato also participated (R. 310, 325). PW Moody saw part of it and said Kato and Yadoiwa also took part (R. 360).

Specification 10: The Lowe incident, reported at H. Tanaka, Specification 11v, Paragraph (2) above.

Specification 11 (Mistreatment of PW Standish): Not Guilty

Specification 12: While Tinsley was absent as indicated in Ieda Specification 3, Paragraph (5) above, Sgt. Dube and Lt. Kissel held a roll call to be ready to report at the evening "tenko." They discovered Tinsley was absent and a search was made. A commotion was heard and everyone suspected Tinsley had been found by the guards. Kawai took the "tenko"; Dube reported one man absent. Kawai knocked Dube out, with one blow of his fist, and beat up Kissel for five minutes. Dube and Kissel were taken to confront Tinsley at the guardhouse; Dube was ordered to beat Tinsley and refused; "after much arguing all three were released" (Ex. 33, 64). The incident is corroborated and T. Tanaka named as perpetrator (Ex. 23). Moody names Kawai and T. Tanaka (R. 359); Tyler corroborates the incident (R. 311, 312).

Specification 13: The "onion" incident reported at H. Tanaka, Specification 11p, Paragraph (2) above.

Specification 14 (Mistreatment of PW Mabb): Not Guilty

Specification 15 (Mistreatment of PW Franckon): Not Guilty

Specification 16 (Mistreatment of PW Fowler): Not Guilty

Specification 17 (Mistreatment of PW Moody): Not Guilty

Specification 18: This is the "molasses incident" where Moody and Owens were apprehended with stolen molasses in their canteens at the factory. When they were apprehended, they were slapped by Kokubo, Kawai, Yadoiwa, and T. Tanaka (R. 361-362).

Specification 19:

(a) In January 1945, accused struck PW Gregory across the mouth for being slow getting into the railroad carriage (Ex. 77, Gregory).

(b) PW H. N. MacArthur stated that he was beaten and kicked by accused, -- "not particularily a severe beating" (Ex. 92, MacArthur).

(c) At the time of the Kissel, Newton incident, Specifications 5 and 6, H. Tanaka, Paragraph (2) above, "Kawai struck Kissel" (Ex. 130, H. Tanaka).

(8) <u>As to accused K. Kawamura</u>

Specification 1: The Woodhead and Upton incident, reported at Ieda, Specification 4, Paragraph (5) above.



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Specification [illegible] (Mistreatment of PW Standish): [illegible]ot Guilty

Specification 3: The Sully and Gower incident reported at H. Tanaka, Specification 11e, Paragraph (2) above.

Specification 4 (Mistreatment of PW Matheson): Not Guilty

Specification 5: The Rogers, Brown et al incident reported at H. Tanaka, Specification 11h, Paragraph (2) above.

Specification 6: The Mason and Pelletier incident reported at H. Tanaka, Specification 11w, Paragraph (2) above.

Specification 7 (Mistreatment of PW's Owens and White): Not Guilty

Specification 8: "Bean oil incident" reported at Hitosugi, Specification 7, Paragraph (4) above.

Specification 9: PW Jan Solecki had his shoes stolen at the factory and reported it. Shortly afterward, at "kit inspection" the shortage was discovered and he, with six others who had items short, were lined up and slapped by Mizuno. Kawamura, watching from the office door, came out and beat each of them with his leather soled slippers on the face until they collapsed or fell down. They were then made to stand at attention for about four hours (Ex. 63; Ex. 72, as to Mizuno only; R. 204, as to K. Kawamura only; R. 271 as to Mizuno and one or two others unnamed).

Specification 10 (Mistreatment of PW Leigh): Not Guilty

Specification 11: Kawamura claimed that PW Sloss had not saluted him and struck Sloss several times on the nose while wearing a ring. Sloss' teeth were knocked loose (Ex. 74, Sloss).

Specification 12: The Anderson and Cornwall incident reported at H. Tanaka, Specification 11n, Paragraph (2) above.

Specification 13: PW Pereypkin stated that accused was "very active" in the beating of PW Waggoner reported at H. Hitosugi, Specification 2, Paragraph (4) above (Ex. 42).

(9) <u>As to accused T. Kawamura</u>

Specification 1: In connection with the beating of PW Jamie (H. Tanaka, Spec. 8 and 11m, Par. (2) above) both Lt. Riley, who wrote the letter about trading soap for eggs and Jamie were called to the office. PW Haynes saw the beating. Lt. Riley's glasses were knocked off (R. 218, 272, 278, 279). PW Walker saw the incident, does not name the perpetrator (Ex. 66). Lt. Riley told PW Newton that Lt. H. Tanaka ordered Kawamura to do it but left the office before Kawamura, who used a rubber soled shoe, began (Ex. 64).

Specification 2 (Mistreatment of numerous PW's): Not Guilty

(10) <u>As to accused N. Kokubo</u>

Specification 1 (Mistreatment of PW Waggoner): Not Guilty

Specification 2 (Mistreatment of PW Moody): Not Guilty

Specification 3: The "molasses" incident reported at Kawai, Specification 18, Paragraph (7) above.

Specification 4 (Mistreatment of PW Weston): Not Guilty

Specification 5 (Mistreatment of PW Gardener): Not Guilty

Specification 6: The Spencely incident reported at H. Tanaka, Specification 11b, Paragraph (2) above.



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Specification 7:

(a) "One day" PW Joanilho was pushing a truck full of pipes at the factory. Accused came along and "hit" and "pushed (Joanilho) around" (R. 269).

(b) PW Haynes testified he was beaten "maybe a dozen" times (R. 208) and identified this accused as one who beat him (R. 211).

(11) As to accused Kondo

Specification 1: Waggoner incident, reported at Hitosugi, Specification 2, Paragraph (4) above.

Specification 2 (Mistreatment of Owens and White): Not Guilty

Specification 3 (Mistreatment of Moody and others): Not Guilty

Specification 4 (Mistreatment of Moody, Carrini and others): Not Guilty

Specification 5 (Mistreatment of Sully and Gower): Not Guilty

Specification 6 (Mistreatment of numerous PW's): Not Guilty

(12) As to accused Maeda

Not Guilty of all charge and specifications.

(13) As to accused Mizuno

Specification 1: Sully and Gower, reported at H. Tanaka, Specification 11e, Paragraph (2) above.

Specification 2: In connection with the mistreatment of PW's Kissel and Newton (H. Tanaka, Specs. 5 and 6, Par. (2) above), Mizuno said that Newton was not striking PW Finch hard enough, pushed Newton aside, and struck Finch "a vicious blow on the face" which affected Finch's hearing for some time (Ex. 64).

Specification 3: PW George White, in emptying a bag of rice, failed to take all of the rice out of the sack which would have resulted in some waste. Mizuno, in the presence of Lt. H. Tanaka, struck White "left and right" in the face with fists about six times, then made him stand at attention. White's ear drum was perforated (Ex. 69, 64, 56, R. 270).

Specification 4 (Mistreatment of PW Standish): Not Guilty

Specification 5: In connection with the beating of PW Solecki (K. Kawamura, Spec. 9, Par. (8) above), Hopkins said a "Sgt. Memming" was one of the others short of clothing items and beaten (Ex. 72). PW Anderson saw it. Both Solecki and Henning were beaten with fists and a leather slipper (R. 270-271).

Specification 6 (Withholding Red Cross supplies): Not Guilty

Specification 7 (Withholding funds): Nolle Prosse

Specification 8 (Mistreatment of numerous PW's): Not Guilty

(14) As to accused Murase

Specification 1 (Mistreatment of PW Waggoner): Not Guilty

Specification 2 (Mistreatment of PW Watts): Not Guilty

Specification 3 (Mistreatment of PW Coates): Not Guilty



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Specification 4:

(a) PW Brown stated that accused struck him with a stick on several occasions (R. 95).

(b) PW Coates identified a picture of accused and stated that, on one occasion, accused struck him on the face with a stick (Ex. 95).

(15) As to accused T. Nakagawa

Specification 1: PW Walker was suffering from violent diarrhea. On the train back from the factory, it was necessary for him to be held in an open door. It was reported to T. Nakagawa, who beat him with fists and a broom. PW Haynes saw it (R. 202, 203). Another PW Walker and PW Sloss reported a similar beating by the same accused but state that it took place at the factory just before leaving for camp (Ex. 66, 74).

Specification 2: Due to crowded conditions in the cars, PW's often climbed through the car windows going to or from the factory. PW Garcia and PW Ellis were caught doing so and beaten by T. Nakagawa about the head and shoulders with a heavy leather belt. Their faces had small lacerations and were bruised and discolored (R. 312, 360; Exs. 66, 77).

Specification 3 (Mistreatment of numerous PW's): Not Guilty

Additional Specification 1: This incident took place at Nagoya Area PW Camp No. 1 and not Narumi. During a bomb raid, while the guards were in fox holes, PW's Kristopoviz and Rasakaviez stole some rice wine and rice. They were beaten by eight civilian guards, four army guards and T. Nakagawa with sticks, and rifle butts and were kicked. There were tortures for three days, hanging from ladders by heels and toes, forcing to kneel in hot sun with poles under knees and hands tied to heels for four or five hours, etc. Sheehan had stolen food from a guard previously and was included in the tortures. They were made unconscious many times, revived with cold water and the tortures continued. T. Nakagawa was the ring leader. Many PW's corroborate the incident and the perpetrators (Ex. 96, 97, 98, 99, 100, 102, 103, 106, 107). PW Sheehan recited the incident, named Roskiewicz and Kristopovich but not himself (Ex. 104). PW Victoria referred to Sheehan only and recorded that he was beaten with a wet rope (Ex. 105). Kristopoviz stated that he and Raskiewicz found, stole and drank a bottle of saki, were apprehended by the guards who smelled the breath of each man assembled after the air raid and that after the several days of beatings and tortures they were tried and sentenced to thirty days' hard labor (Ex. 108).

Additional Specification 2 (Mistreatment of numerous PW's): Not Guilty

(16) As to accused Sakai

Specification 1 (Mistreatment of PW Waggoner): Not Guilty

Specification 2 (Mistreatment of PW Moody): Not Guilty

Specification 3: PW Smith was beaten by Sakai "everytime he saw me," once with a metal shovel (Ex. 48, Smith). Moody saw Sakai slapping Smith (R. 365).

Specification 4:

(a) PW Tyler testified that, when he and another PW were unloading logs that were frozen together from a flat car, one of the logs accidentally struck accused on the leg. Accused beat Tyler about the head and face with his fists (R. 319).

(b) During the spring or summer of 1945, PW Tyler was sick and unable to run which Sakai tried to make him do in connection with work at the factory. Accused beat Tyler on the back of the head while Tyler walked 100 feet (R. 320).



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(c) On another occasion accused threw a rock at PW Tyler while he was loading sand into a railway car. Tyler straightened to stretch and rest his back. It was a large rock, struck Tyler in the back and hurt "very greatly."

(d) (At the same time) Accused beat a "Finnish" boy named Eric Vesline (phoenetic) for "goldbricking" (R. 321-322).

(e) Kawai was involved as one of the participants in the onion incident reported at H. Tanaka, Specification 11p, Paragraph (2) above.

(17) As to accused Sawano

Specification 1: The Waggoner incident reported at Hitosugi, Specification 2, Paragraph (4) above.

Specification 2 (Mistreatment of PW Brent): Not Guilty

Specification 3 (Mistreatment of PW Brent): Not Guilty

Specification 4 (Mistreatment of PW Weston): Not Guilty

Specification 5 (Mistreatment of PW Moody and others): Not Guilty

Specification 6 (Mistreatment of PW Moody, Carrini and others): Not Guilty

Specification 7: "Bean oil" incident, PW Moody, reported at Hitosugi, Specification 7, Paragraph (4) above.

Specification 8: This is the "lime bag" incident. PW Brent and about fifty other PW's were carrying bags of lime from the train to the camp. Since they weighed about 150 pounds, frequent changes of bearers were necessary. Angered at the delay, Sawano and Kameda lined the group up in ranks and slapped them all (Ex. 35, Brent). PW Tyler was one of the victims and names Sawano, Kameda and Yadoiwa as the perpetrators (R. 316-317).

Specification 9:

(a) PW Tyler was beaten at the same time as PW Brent as set forth in Specification 8, above (Specification 8 alleges PW Brent "and others") (R. 316).

(b) In July or August 1945 PW Kenneth Mitchell was beaten by accused and others until his face was "a bloody pulp" (Ex. 28a).

(18) As to accused T. Tanaka

Specification 1 (Mistreatment of PW Waggoner): Not Guilty

Specification 2: The Dube, Kissel and Tinsley incidents, reported at Kawai, Specification 12, Paragraph (7) and Ieda, Specification 3, Paragraph (5).

Specification 3 (Mistreatment of Moody, Carrini and others): Not Guilty

Specification 4 (Mistreatment of Owens and White): Not Guilty

Specification 5 (Mistreatment of Venable and White): Not Guilty

Specification 6: The Matheson incident reported at H. Tanaka, Specificiation 11a, Paragraph (2) above.

Specification 7: The Brine incident reported at H. Tanaka, Specification 11y, Paragraph (2) above.



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Specification 8: The Standish incident reported at H. Tanaka, Specification 11c, Paragraph (2) above.

Specification 9: The Lowe incident reported at H. Tanaka, Specification 11v, Paragraph (2) above.

Specification 10 (Mistreatment of PW Cormier): Not Guilty

Specification 11: The Spencely incident reported at H. Tanaka, Specification 11b, Paragraph (2) above.

Specification 12: The Joanilho incident reported at H. Tanaka, Specification 11d, Paragraph (2) above.

Specification 13: The Jamie incident reported at H. Tanaka, Specification 8, Paragraph (2) above.

Specification 14 (Mistreatment of PW Mason): Nolle Prosse

Specification 15: PW MacKenzie, while working in the factory, found a sack of "cardboard coke" used as pig fodder. He "stored away a considerable quantity on (his) person." He was discovered, taken to the guardhouse, stripped to the waist and beaten with a leather strap by a guard, not one of accused, and "struck many times in the face" by T. Tanaka. He was also forced to eat huge quantities of the pig food. T. Tanaka also called PW Hopkins and commanded him to join in beating MacKenzie. The whole affair lasted two hours and, when finished, MacKenzie was again "brutally beaten" by T. Tanaka for failure to salute him (Ex. 67, MacKenzie; Exs. 65, 66, 53a).

Specification 16: The Haynes incident reported at Kawai, Specification 2, Paragraph (7) above.

Specification 17 (Mistreatment of PW Gittens): Not Guilty.

Specification 18: The Eley incident only reported at H. Tanaka, Specification 11x, Paragraph (2) above.

Specification 19: PW Coates stated that T. Tanaka beat him at least five times, "once so badly (his) face was livid for days." He slapped Coates one evening at roll call because the men were slow at coming to attention (Ex. 57, Coates; R. 258).

Specification 20: PW Coates saw T. Tanaka beat PW's Reid and Headford (Ex. 57). Headford, who had been working on a locomotive, was taken out with it for a test. He had to return through the main gate, was held up by the gatekeeper and turned over to the guard. Reid, his senior PW, and he were beaten by three or four guards about the face with fists, knocked down and received swollen and bruised faces (Exs. 58, 73; R. 201). PW Anderson (R. 269) and PW Ellison (Ex. 58) named Yadoiwa as a participant.

Specification 21: PW McConnachie left his haversack on the train by accident and reported the loss. It was recovered and returned to him the next day. A guard, not accused, knocked him down, struck him with a rifle, kicked him and made him stand in the pouring rain holding his haversack at arms' length. When he permitted his arms to drop, he was beaten by other guards including T. Tanaka. He does not remember being beaten at the camp for having salt in his possession (Ex. 50, McConnachie). PW's Lowe (Ex. 65), Dudman (Ex. 68), Sloss (Ex. 74), Anderson (R. 258, 259), and Haynes (R. 203) all report a beating of McConnachie by T. Tanaka at the camp because he had a piece of salt or salt fish in his possession which he got at the factory. He was beaten for twenty or thirty minutes and knocked senseless.



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Specification 22 (Mistreatment of PW Mabb): Not Guilty

Specification 23: The Broadbridge incident reported at H. Tanaka, Specification 11z, Paragraph (2) above.

Specification 24: During the beating of MacKenzie, Specification 15, above, PW Arthur White, carrying a sick PW, "Pvt. Davy," passed by. T. Tanaka paused in his beating of MacKenzie long enough to knock "Davy" down with a single blow (Ex. 67). PW Anderson stated he has seen "Davey" beaten by T. Tanaka because he was late on parade (R. 260).

Specification 25: PW Kirkwood was beaten by T. Tanaka with an enamel water bottle and a piece of wood because the PW's had taken a crude form of molasses used in the work to put in their tea. Tanaka ordered Kirkwood to bring in "the culprits," he tried to protect the men, was beaten by Tanaka, and sent back again to bring the "culprits" in. Malekin had already been "found out" by other guards, so the two returned to T. Tanaka, who struck each of them several blows with a stick, leaving their faces "cut, bruised and swollen" (Ex. 54, Kirkwood, R. 263, 264).

Specification 26: For making a piece of plywood into a cover for his mess kit, PW Wood was made to hold a large number of heavy railway "fish plates" by T. Tanaka. When the weight pulled Wood's arms down, Tanaka would slap him in the face. This went on for twenty minutes (Exs. 54, 77).

Specification 27 (Mistreatment of PW Samuels): Not Guilty

Specification 28: The Sully and Gower incident reported at H. Tanaka, Specification 11e, Paragraph (2) above.

Specification 29 (Mistreatment of PW Sloss): Not Guilty

Specification 30 (Mistreatment of PW Eare): Not Guilty

Specification 31: The Eley, Reed and Ashman incident reported at H. Tanaka, Specification 11x, Paragraph (2) above.

Specification 32: The Anderson and Cornwell incident reported at H. Tanaka, Specification 11n, Paragraph (2) above.

Specification 33 (Mistreatment of PW Edwards): Nolle Prosse

Specification 34:

(a) PW's Connell, Allen, Anderson, Jamie, White, Upton and Orsini were called out of ranks and beaten by T. Tanaka, H. Tanaka and others in May or early June 1945 (Ex. 32). This is a part of the Kissel-Newton incident but PW Anderson said he did not see it (R. 252-253).

(b) Accused is reported to have abused PW Cunningham at the factory, who was forced to go on working after he had met with a minor accident but could hardly stand (Ex. 64).

(c) PW Gregory was "beaten up and kicked" by accused, just before leaving this camp for another (Ex. 77).

Additional Specification 1: In July or August 1945, PW Mann escaped from camp. He was recaptured after about two days; returned to camp; beaten by the then camp commander (Lt. Furushima) and two guards, one of whom was identified as T. Tanaka; placed in confinement; systematically starved and died in twelve days (Exs. 117a, 117, 121, 125, 126). During the beating he was picked up and knocked down with "a wooden form" several times and lashed with a leather strap (Ex. 118). In rebuttal Sgt. Grill testified that, after Dr. Christianson had signed Mann's death certificate, he told Grill he had been forced by Sgt. Yamanaka to write "cardiac beri beri" but that he knew Mann was beaten and starved to death (R. 835, 837).



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Additional Specification 2: A "shake down" inspection was conducted and an amount of stolen cigarettes were found near the bunks of PW's Thurmond, Stevenson, Zitar, Vargo, Roland and DiSerio. These men were marched out into the "compound" and severely beaten. A guard known as "Club Happy" was a participant and he was identified as T. Tanaka (Ex. 116, Parts I and II). DiSerio stated they were beaten with shoes, fists and "anything available"; forced to kneel with boards between their legs, etc., until one confessed to the theft. They were then "let go" (Ex. 119). The incident is corroborated by PW Jordan (Ex. 122).

Additional Specification 3:

(a) Former PW Stephenson said T. Tanaka "would beat up five to ten men every day with a club." PW (Corporal) McMahan was beaten several times because he was too weak and sick to finish his work. PW (U.S. Marine Corps) McCormick was beaten practically every time accused saw him (Ex. 120).

(19) <u>As to accused Yadoiwa</u>

Specification 1: The Waggoner incident reported at Hitosugi, Specification 2, Paragraph (4) above.

Specification 2: PW Weston stole some vegetables which were found in his bag. "His face was beaten to a pulp with fists and leather belts" (Yadoiwa not named) (Ex. 21). PW Golly saw it but does not know who did it (Ex. 22), as did PW Niemeyer, who names Yadoiwa (Ex. 27), PW Meuli (Ex. 39), who names a guard not accused.

Specification 3: The Owens and White incident reported at Hitosugi, Specification 9, Paragraph (4) above.

Specification 4: Bristow reports that while at work, needing a latrine and "not finding one," he went into a bombed out building. "Being unable to give a satisfactory explanation" to the guard, Yadoiwa, struck him twice in the face with his hand and tripped him into a pool of mud, then kicked him and hit him with rifle butts (Ex. 40).

Specification 5: The Orsini incident reported at H. Tanaka, Specification 11o, Paragraph (2) above, PW Brent, who was "leading NCO" over Orsini, was reprimanded and slapped. Yadoiwa participated (Ex. 34).

Specification 6: This is the "molasses" incident reported at S. Kawai, Specification 18, Paragraph (7) above.

Specification 7 (Mistreatment of Moody and others): Not Guilty

Specification 8: This is the "onion" incident reported at H. Tanaka, Specification 11p, Paragraph (2) above.

Specification 9: The Haynes incident reported at S. Kawai, Specification 2, Paragraph (7) above.

Specification 10: The Reed and Headford incident reported at T. Tanaka, Specification 20, Paragraph (18) above.

Specification 11 (Mistreatment of PW Franckon): Not Guilty

Specification 12: Broadbridge incident reported at H. Tanaka, Specification 11z, Paragraph (2) above.

Specification 13: PW Sloss stated that he saw PW Kirkwood being "pushed, prodded and beaten" by Yadoiwa while being rushed back to camp during an air raid (Ex. 74). Kirkwood stated that Yadoiwa struck him several blows with his fist, knocked him down, and with others, "assisted (him) to the station by hitting (him) with their sticks" (Ex. 54).



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Specification 14: The Sully and Gower incident reported at H. Tanaka, Specification 11e, Paragraph (2) above.

Specification 15:

(a) PW Tyler identified accused as one of the participants in the beating of PW Brent, PW Tyler and others in the "lime bag" incident reported at Sawano, Specification 8, Paragraph (17) above (R. 313, 316-317).

(20) As to accused Yamagishi

Specification 1: The Waggoner incident reported at Hitosugi, Specification 2, Paragraph (4) above.

Specification 2 (Mistreatment of PW Owens): Nolle Prosse

Specification 3: The Woodhead and Upton incident reported at Ieda, Specification 4, Paragraph (4) above.

Specification 4 (Mistreatment of numerous PW's): Not Guilty

(21) As to accused Hara

Specification 1: The Standish incident reported at H. Tanaka, Specification 11c, Paragraph (2) above.

Specification 2: The Newton incident reported at H. Tanaka, Specification 6, Paragraph (2) above.

Specification 3 (Misappropriation of Red Cross supplies): Not Guilty

Specification 4 (Mistreatment of numerous PW's): Not Guilty

(22) As to accused Hayashi

Specification 1: The Stewart incident reported at H. Tanaka, Specification 11k, Paragraph (2) above.

Specification 2: PW Wright in his affidavit makes no mention of being beaten himself, but says there were many and gives some details (Ex. 82). PW Hopkins says he saw Hayashi line up six or seven patients who had failed to salute him and strike each one heavily, knocking three men down, including PW Wright.

Specification 3 (Mistreatment of numerous PW's): Not Guilty

(23) As to accused Kato

Specification 1 (Mistreatment of Waggoner): Not Guilty

Specification 2: At the factory, PW Mabb and others were allowed to "wash down" after some very heavy work. Kato came in, reported the incident to T. Tanaka. They were examined to see if they had washed. Kato was angry so later, in an air raid, when Mabb was unable to run, he was "belabored with rifle butt and stick" (Ex. 78, Mabb). PW Dudman reports a similar incident but the beating was by T. Tanaka, not Kato (Ex. 68). Haynes saw Mabb on the way to camp mistreated and pointed out Nakagawa, in court, as the perpetrator, saying there were others, but he could not name them (R. 197). At Record 235 Haynes advances this beating to the camp area and names Kawai as the probable perpetrator (R. 235, 236). At Record 237 the witness volunteered that Nakagawa and Kokubo beat on the way to camp and Kawai after arriving in Camp. Anderson corroborated the mistreatment by Kato (R. 298).

Specification 3:

(a) PW Tyler identified accused as being one of the perpetrators



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of the beating of PW's Bristow and Goldstein reported at Specification 9, Kawai, Paragraph (7) above (R. 310). PW Moody also saw it (R. 360), but Bristow does not name accused (Ex. 42).

(b) PW Anderson saw accused beat PW Richards during a rush to camp from the factory during an air raid (R. 299).

b. For the Defense:

(1) As to Kawai, Specification 2; T. Tanaka, Specification 16; Yadoiwa, Specification 9:

The affidavit of George Haynes, prosecution witness, dated 9 September 1945, showing that, at that time, the witness testified to three beatings and that he did not name J. Kameda, I. Yadoiwa, T. Asakura, H. Tanaka, or S. Kawai as being among the perpetrators, was introduced in evidence as Defense Exhibit A (R. 217).

(2) As to H. Tanaka, Specifications 1, 2, 4, 11, 11cc, and 11dd:

Extracts from the affidavit of Dr. Riley, prosecution witness, setting forth the published Rules and Regulations of the PW Camp, were introduced in evidence as Defense Exhibit B (R. 429).

Shigemasa Matsunaga testified he was superintendent of the factory where there PW's worked, that he was present at a meeting of the company officials and Lieutenant Tanaka where there was a caution that PW's must be treated fairly and if there were violations of rules by PW's the civilians could not punish them (R. 442). There were "more than several" meetings (R. 445).

There was additional food for the PW's at their noon meal every day and additional fuel for the camp was supplied by the company at Lieutenant H. Tanaka's request (R. 443). The request for additional food was made right after the PW's arrived in camp and the company paid for it (R. 446). He did not see any of the PW's mistreated at the plant, although he went through it at times and had no report of such incident (R. 444, 448). Lieutenant H. Tanaka requested the services of the company doctor, and he was sent to the camp twice a week to assist the regular PW medical officer (R. 447).

Paragraph 4 of the affidavit of prosecution witness, Lieutenant (Doctor) W. U. Riley, to the effect that accused T. Kawamura's successor was sent to camp to reduce the number of PW's excused from work on account of sickness was read in evidence as Defense Exhibit C (R. 448).

A paragraph from the affidavit of prosecution witness, E. A. R. Newton, wherein he testified that Yamanaka (Kawamura's successor) had instituted the system whereby the total number of PW's who could be excused from work because of illness was introduced in evidence in Defense Exhibit D (R. 449). The commission took judicial knowledge of the conviction of Lieutenant Okada of beating, kicking, and mistreating Waggoner which resulted in his death on 17 July 1945, US vs Okada, Case Docket Number 12 (Ex. BBB).

(3) As to H. Tanaka, Specification 1:

T. Kondo, a farmer with two farms near the camp in 1943-1945, having identified H. Tanaka (R. 708), testified that he was president of the Farmer's Association. He arranged with Tanaka for the removal of the human waste which was done every day and lime was scattered around after the waste was removed (R. 709). When there was any delay, they were "scolded" by Tanaka, and finally they discontinued the work because, whenever they were unable to take it all, they were "scolded" (R. 710). It was stipulated that M. Kondo would testify if called that he had charge of the removal of human waste in 1944 and early 1945; that it was removed every day on all but two or three occasions; that on two occasions there was a threatened overflow, but he went as soon as he could and on one occasion, there was an actual overflow into a small drain (R. 735-736).



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(4) As to H. Tanaka, Specification 11bb; Asakura, Specification 4; Mizuno, Specification 6; Hara, Specification 3; H. Tanaka, Specification 11:

T. Atsumi, representative of the foreign department of International Red Cross, testified concerning a visit to the camp on July 6, 1944 (R. 715), and produced a memorandum of his report showing the physical facilities, food, clothing, and medical attention available. Punishment was reported as "nil." PW's interviewed by Mr. Agnst of International Red Cross were Lieutenant Riley, Warrant Officer Newton, Sergeants Webb and Copsey, Cop, and Maroof (Ex. YY). Most of the information received was from the camp authorities. He does not know of his own knowledge whether PW's were punished or not (R. 722).

(5) As to H. Tanaka, Specifications 11, 1, 4:

The affidavit of Paul Marella, Apostolic Delegate to Japan, was received in evidence by stipulation (R. 722). He visited the camp on November 28, 1944. Colonel Murata stated to him that this camp was nearest to the ideal; that H. Tanaka was one of the best commanders. The "garden assured the supplement of foodstuffs"; he was informed that no punishments were necessary. He spoke to some of the PW's in the presence of an interpreter, and of all the camps he visited this one gave him the best impression (Ex. ZZ).

Former Lieutenant Colonel Otake testified that Lieutenant H. Tanaka reported to his command about 2 or 3 April 1945 and was assigned out again as a branch commander because of his good record at the camp here involved. Sergeant Mizuno was transferred because another sergeant had been transferred out of another camp that was inaccessible, and Mizuno was put there because he knew the work and would not need frequent instructions (R. 723-724). Lieutenant H. Tanaka was kind and fair to PW's and made great efforts to have nutritious food for them and to have working hours adjusted to their physical condition (R. 738). Tanaka was under his command only twenty-one days (R. 742).

Y. Koiso, manager of the Labor Department where these PW's were used, testified (R. 725) that he met H. Tanaka in December of 1943, at which time all the workers of the factory who would have contact with PW's were assembled and instructed by Tanaka that they must treat PW's the same as they would Japanese workmen, "fairly and kindly," and that since "foreigners have comparatively weaker hips than the Japanese people, four PW's should be put on a job that could be done by two Japanese" (R. 776). He meant "weaker backs" (R. 734). He also said that the PW's, at noon, were only given "one bread" which was the Japanese army ration, so he requested the factory to supply extra food for the noon meal, which they did. There was no contract with the army to do this; it was solely at Tanaka's request. Likewise, additional fuel was supplied to the camp at Tanaka's request. These requests were made frequently (R. 726-727). The company, also, at Tanaka's request, spent 1000 yen to 2000 yen per month for additional medicines for the PW's and sent a civilian doctor out twice a week (R. 728). The factory did not require that a certain number of PW's be supplied every day (R. 734).

U. Montani, now in Sugamo, formerly a corporal at this PW camp, stated that Lieutenant Tanaka, in August 1944, attempted to fire Toyama for not fulfilling his duties. Lieutenant Tanaka was very strict with the Japanese personnel and issued strict orders not to strike or mistreat PW's (Ex. AAA). K. Kawamura testified that he interceded to prevent H. Tanaka from firing Toyama for mistreating PW's (R. 744-745).

(6) As to T. Tanaka, Additional Specification 1:

A copy of the death certificate of James Scott Mann, showing that he died August 6, 1945 of heart failure due to beri-beri was introduced in evidence (Ex. J).

The affidavit of William J. Mason, in the case of US vs Furushima, Case Docket Number 3, was read into the record to show that, after death, the



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body of Mann was "all skin and bones" indicating he had been starved to death and was dehydrated (Ex. K).

The affidavit of Fred M. Plymole in the case above cited, former PW, to the effect that, at the time of Mann's death, Captain Christianson, the British camp doctor, stated he was killed by scientific starvation, was introduced into evidence (Ex. L).

The affidavits of former PW Bernard A. Grill in the case above cited, was introduced in evidence. He saw Mann in the guardhouse on the fourth and tenth days of his imprisonment and gave him typhoid shots. "It appeared that he was being starved to death" (Ex. M).

The affidavits of former PW's Albert Guilbeau, S. Stevenson, and Bud Lawrence Jordon, all in the case above cited, tend to establish that Mann was starved to death (Exs. N, O, and P).

(7) As to Ieda, Specification 1; and Yamagishi, all specifications:

Taijiro Kuranishi was sworn as a witness. It was then stipulated that he would testify in exact confirmation of the testimony of Ieda (subparagraph "c" (6) below) as to the Waggoner incident, except that, when Waggoner was discovered, he (Kuranishi) sent a message to Ieda to return to camp. It was also stipulated that he would testify that he has known accused Yamagishi for a long time and that Yamagishi is a mild mannered, mild tempered man incapable of violence (R. 486-487).

(8) As to Mizuno, Specification 7:

Teiji Fukunaga, former first lieutenant paymaster, main PW camp, inspected the books and records of accused Mizuno three or four times and they were true and correct. There were no irregularities and, on the other inspections, no evidence of misappropriation of money or property. Mizuno was transferred because of command changes over all the camps (R. 547-552).

(9) As to H. Tanaka, Specification 11d; T. Tanaka, Specification 12:

Tatsuo Kagumi, a section foreman in the foundry factory since 1922, testified as to the Joanilho incident. He stated that he saw it in the company of H. Sei; that he learned later that Toyama was the man he saw make the PW stand near the fire until his legs were blistered. Toyama was alone. About ten days later, Toyama came to the witness and forced him to promise not to tell anyone what had happened. The witness was scared of Toyama, who beat many people. Ten or fifteen minutes later, Lieutenant H. Tanaka came and questioned the witness in the presence of Toyama. In fear, he told H. Tanaka there was no fire in the furnace that day. About a month later, the PW returned to work and this witness saw Toyama take him to the same place and kick his bandaged legs six or seven times.

In three photographs, one of which was T. Tanaka, the witness correctly identified Toyama as the perpetrator of the offense (Ex. F). Only one guard was present (R. 566).

Hiroshi Sie, an employee of the same company for eighteen years as a "founder," verified all the testimony of Kagami, except as to Toyama kicking Joanilho about a month after the first incident. He was not present at that time. He also identified the picture of Toyama (Ex. G). The victim did not move away from the fire even though the guard who put him there went away for a time because he would have been treated "roughly" if he had. There was only one guard there (R. 572).

Tadashi Ao, an employee at the foundry in 1944 as a company guard, saw the PW standing in front of the fire and Toyama near by. About a month later, he learned that the PW had received terrible burns (R. 574). He did not know the guard was Toyama but heard so later (R. 579). Ao also saw Toyama force a PW to do "something that was unthinkable" (The Allen incident) (H. Tanaka, Specification 11i) (R. 576).



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M. Hayashi, former dispensary attendant at the camp, testified that he was present when Joanilho was brought in suffering from burns on the legs. Doctor Riley treated him. Hayashi could not understand what they were saying, but he heard Joanilho say "Toyama" and he knew Toyama was the one responsible because he was the guard in the section where Joanilho worked. Later he "called (Toyama) down" for doing such a thing and he did not deny it. Hayashi also made a written report of it to Lieutenant H. Tanaka (R. 581-583; Ex. H).

(10) As to H. Tanaka, Specification 11i:

An excerpt from the affidavit of Arthur J. Tanuri in the case of US vs Toyama, Case Docket Number 18, was introduced in evidence. Former PW Tenturri witnessed the Allen incident and stated the perpetrator of the mistreatment to be Toyama (Ex. I).

(11) As to Kawai, Specification 5:

A certified copy of the Military Rolls showing that S. Kawai was called to the military replacement unit on 28 June 1945 was introduced in evidence (Ex. R), and it was stipulated that Waggoner was absent from roll call on 28th or 29th of June and was discovered on 30 June or 1 July (all 1945) (R. 602). It was further stipulated that Kawai is not guilty of any offenses which were purported to have been committed after 1 July 1945 (R. 603).

(12) As to Kameda, Specification 1:

M. Hikosaka corroborated the testimony of accused Kameda that on 20 June 1945, he and Kameda departed from the camp, having obtained permission to go to their homes in a distant village which had been destroyed in a bomb raid (Ex. T). The village was a two-hour train ride from Nagoya (R. 612) or two and one-half hours (R. 615). I. Matsunaga, foreman of the factory, also verified the absence of Kameda and Hikosaka. Kameda returned about July 9 (Ex. U). Another employee of the factory, B. Yoshikane, also recalls that Kameda was absent from about 25 June to 10 July 1945 (Ex. AA). The company records showing the presences and absences of guards were burned; those before 17 May 1945 in an air raid; those after that date on the orders of General Anami (R. 612). Kikugoro Haruta further corroborated this absence by showing that Kameda obtained from him a ration to buy lumber to rebuild his home which had been destroyed. The ration permit was given July 5, 1945 (Ex. V) and a sales slip showing the purchase, on the same day, was also introduced in evidence (Ex. W). Two neighbors, Y. Watanabe, H. Watanabe, and Kameda's wife, Miyoko, also corroborate his absence by showing he was at home rebuilding his house in July 1945 (Exs. X, Y, and Z). Y. Uchigiri, Kameda's father-in-law, testified that Kameda returned to his village on June 20th, started to build a house around July 1st, and did not leave for some days later (R. 617-619). K. Shinoda made a statement as to Kameda's good character and his activities trying to get supplemental food for the PW's (Ex. BB). Kameda "worked hard for this purpose outside of duty hours" (R. 632).

(13) As to Sakai, Specification 1:

The absence of Sakai during the period of the Waggoner incident was corroborated by the testimony of a co-worker who is not one of the accused (R. 667-668; Ex. OO) and the testimony of his immediate superior on the job (R. 670-672; Ex. PP) who produced a personal record of the time sheets of Sakai which was introduced in evidence. They show Sakai was absent July 1 to 6, inclusive (Ex. QQ).

A release of Sakai signed by Moody, dated January 19, 1947, was introduced in evidence (Ex. RR); it was stipulated that after Moody and Mr. Grey of prosecution saw and interviewed Sakai on January 19, 1947, Moody went to the jail and attempted to secure his release, but was unable to do so because of language difficulties and Exhibit RR was given to Sakai at that time and he was released. Mr. Grey of prosecution stated "Moody ordered him released and I put him in again" (R. 673).



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(14) As T. Nakagawa, Additional Specification 1:

Defense introduced eight excerpts from prosecution affidavits of PW's in the trial of US vs Kiryu, Case Docket No. 82, to show that there may be a mistake of identity in the perpetrator of the beating of Raskiewicz, Kristopovich, and Sheehan, who were apprehended stealing rice. There were many variations in description, status, and rank (Exs. DD through KK). Two prosecution affidavits of PW's in the Kiryu case were introduced to show that T. Nakagawa did not participate in the beating of Fitzjohn and Gallegos (Exs. LL and MM) but that it was someone else. The affidavit of S. Kiryu to the effect that he saw Raskiewicz, Kristopovich, and Sheehan mistreated (Nakagawa, Specification 1) and never saw Nakagawa mistreat any PW was introduced in evidence (Ex. WW). Raskiewicz and Kristopovich stole sake during an air raid and Sheehan stole twelve or fifteen rice balls at the same time. It was for that they were beaten. M. Kobayashi stated, by affidavit, that Nakagawa was not in camp when Raskiewicz and Kristopovich were mistreated (Ex. XX). There was another company guard named Nakagawa at that camp (R. 704).

The affidavit of Colonel Stubbs showing that, at the Toyama Camp, there was a guard named Yokidiro Nakagawa, who was called "Three Fingered Pete," was introduced in evidence (Ex. JJJ). Wide discrepancies in the identification of T. Nakagawa by numerous prosecution witnesses were developed (R. 806-811).

An excerpt from the record of trial in US vs Shinjo, Case Docket No. 100, showing that Shinjo was convicted of the mistreatment of Raskiewicz, Kristopovich, and Sheehan (T. Nakagawa, Additional Specification 1) and that the prosecution's evidence in that case does not implicate T. Nakagawa, was introduced in evidence (Ex. KKK). Exhibit LLL is to the same effect.

(15) As to Yadoiwa, Specification 2; Hitosugi, Specification 3; and Yadoiwa, Specification 3:

Excerpts from the record of trial of Okada, Case Docket No. 12, were introduced in evidence--Exhibit TT shows that Okada was found guilty of beating Weston, White, and Owens; Exhibit UU is the prosecution evidence of two prosecution witnesses in that case to the effect that Okada struck Owens.

(16) As to K. Kawamura, All Specifications:

It was stipulated that accused K. Kawamura left this camp on April 21, 1945, and was absent until 11 July 1945 (R. 697-698).

(17) As to M. Hayashi, All Specifications:

The affidavit of Adolph W. Meyers, Chief Pharmacist's Mate, who was in charge of sick prisoners in another camp, stating that at that place accused Hayashi spent a large portion of his pay to buy medicines for sick PW's and, on many instances, gave his own food to undernourished PW's was introduced in evidence (Ex. VV).

c. By the accused:

(1) M. Hayashi, having been warned of his rights, elected to be sworn as a witness in his own behalf and testified (R. 433). He served in the POW camp as a medical sergeant from 28 December 1943 until 14 October 1944. About thirty-five of the first four hundred prisoners were sick on arrival and were given medical attention. The sick room accommodated about twenty patients. Sick call was at about 5:00 p.m. and PW Dr. Riley then determined who would go on "light duty" (R. 435). A Japanese medical officer came about once a month and the company doctor, twice a week (R. 436).

The incidents testified to where a sick man was carried to the roll call and to the factory on a stretcher was where a man was taken to the factory for an appendicitis operation. This accused assisted H. Tanaka in obtaining permission to use the factory operating room (R. 436). This accused was also able to obtain additional supplies of medicines (R. 437).



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Accused Asakura was an assistant of this accused (R. 435). Asakura did not beat Crump (R. 437, 440).

Accused admits slapping prisoners with the open hand on two occasions, one for being late for roll call, the other for failing to salute. He does not know if it were either H. G. Stewart or Arthur E. A. Wright (R. 437-439).

Accused H. Tanaka, before the first prisoners arrived, called the personnel together and directed that PW's should not be mistreated (R. 437).

There was no rule in the camp which permitted only a certain percentage of the PW's to be absent sick on any day (R. 440). The number to go to work every day was not fixed and it varied every day (R. 441).

(2) T. Kawamura, having been warned of his rights, testified that he was medical sergeant at the camp from 14 October 1944 to 1 March 1945, succeeding Hayashi and preceding Yamanaka. He admitted striking Lieutenant (Doctor) Riley twice (Kawamura, Specification 1) with an open hand because Riley had given a PW some soap to take to the factory and trade with Japanese for food. The PW was caught in the act and the camp commander was informed. He directed Kawamura to strike Riley (R. 450). H. Tanaka, Y. Hitosugi, K. Kawamura, and I. Hara were present. It occurred in the office and no other PW's were there (R. 451). He did not use a rubber shoe as testified to by Newton (R. 452). Newton was not present (R. 453).

(3) T. Asakura, an accused, testified in his own behalf. (He does not appear to have been warned of his rights) (R. 453). He was at the camp from 28 December 1943 to 16 July 1944 (R. 453) as an assistant in the dispensary. He had three months' training in that work before he got the job. He was not present in camp from 9 October 1944 to 18 October 1944, the date of the illness and death of PW Crump. No incident occurred where a PW was beaten for hoarding bread; he never twisted the leg of a patient unnecessarily; and never gave an intervenous injection (Asakura, Specification 3) (R. 454). He did not mistreat or abuse any PW, but instead bought medicines himself and gave of his own food to "the weakest patient" (R. 455).

(4) M. Maeda, having been warned of his rights, testified that he was a medical orderly in camp after Asakura's departure (R. 457). He gave intervenous injections to a PW for yellow jaundice under the direction of Doctor Riley (R. 458).

(5) Y. Sawano, having been warned of his rights, elected to be sworn and testify. He was on duty at camp from 1 May 1945 until the end of the war and was never in the camp prior to that time (R. 460). He was a guard (R. 461).

As to Waggoner (Sawano, Specification 1), he had tried to escape so, when he was found, the branch camp commander (then Okada) told the guards they were permitted to strike him. This accused slapped Waggoner five or six times in front of the guardhouse on the same day he was captured (R. 461) with his open hand (R. 462).

Waggoner was tied in front of the guardhouse a night and a day and afterwards was in the guardhouse on the order of "the main camp commander" (R. 461). He heard that Waggoner died after about two weeks in the guardhouse (R. 462).

He did not mistreat Macey F. Brent on either of two occasions because they occurred before he came to the camp (Sawano, Specifications 2 and 3). He did not participate in any incident involving the bringing of the paper from the factory to the camp (Sawano, Specification 5). He did not participate in the punishment of the PW's who were caught stealing onions, but he heard about it (Sawano, Specification 6) (R. 462).



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PW Moody would often steal things at the factory and bring them back to camp. On two or three instances, this accused slapped him for that, and one may have been the soap instance (Sawano, Specification 7). As to the lime bag incident (Kameda, Specification 5, Sawano Specification 9), he had ordered his section of about fifty men to take turns carrying about ten bags of lime a total of about five hundred meters. They disregarded the orders and those who were not carrying lime walked as fast as they could. He was forced to call a halt and when they would not obey his orders, he lined them up and slapped each one two times. No one was knocked down (R. 463). One of the civilian guards was present (R. 464, 468). In this previous statement, he did say Ito (accused Kameda) was present and identified his photograph (R. 469). Accused Sawano never served under accused Tanaka (R. 464) but only under First Lieutenant Okada (R. 465).

(6) N. Ieda, having been warned of his rights, elected to be sworn and testify (R. 471). He was a general affairs NCO at camp from 10 July to 30 September 1945, doing clerical work.

As to the Waggoner incident (Ieda, Specification 1), he was then stationed at the main camp, but when Waggoner was reported to have escaped, he was ordered to and did accompany a Lieutenant Kuranishi to this camp, arriving at about 1:30 p.m. (R. 472). He and accused Yadoiwa were sent to search outside the camp and were thus absent until noon the following day when they returned and learned that Waggoner had been captured. They saw him tied and sitting on the ground at the guardhouse (R. 473, 474). He has no idea how near he came to where Waggoner was sitting (R. 477). He reported to Lieutenant Kuranishi and thirty minutes later they left camp. He did not, at any time, strike Waggoner (R. 473). When he returned to this camp, assigned there, Waggoner was in the guardhouse, but this accused never entered it and did not see Waggoner after he was dead (R. 474).

As to the Owens incident (Ieda, Specification 2), this accused saw Owens searched and found to have edible oil in his possession concealed in his canteen. He saw Owens struck by Lieutenant Okada with a wooden sword. This witness did not strike Owens. He was later told that Owens' arm was broken (R. 474-475).

This accused denied striking Tinsley (Ieda, Specification 3) (R. 475).

This accused admitted striking two PW's in the kitchen in the morning of 10 August 1945 (Ieda, Specifications 4 and 5) because on the evening before they were emptying the rice bags of the food belonging to one section into the rice bags of another section. He reported it to Lieutenant Okada, who ordered him to punish the offenders. The next morning Yamagishi reported three prisoners were talking about what they would do to the Japanese when the war was over, so he had them brought to him. One was Upton, but he does not know the names of the other two. This accused ordered K. Kawamura and Yamagishi to strike them , and he struck them also with his hands (K. Kawamura, Specification 1; M. Yamagishi, Specification 3; Ieda, Specification 6) (R. 475-476). He did not strike Upton (R. 479).

He does not recall about the Tyler incident (Ieda, Specification 6) (R. 479).

(7) M. Yamagishi, having been warned of his rights, elected to be sworn and testify. He served as a superior private, assistant paymaster, from 15 January to 19 September 1945 (R. 481). While the search for Waggoner was in progress, he served as telephone orderly. He saw Waggoner in the dressing room near the kitchen for about three minutes, saw him about six and one-half hours later in front of the guardhouse, and later saw him twice in the guardhouse when this accused took roll call as acting C.Q. He never struck or mistreated Waggoner (Yamagishi, Specification 1) (R. 482).

Yamagishi struck a PW in the kitchen for saying that after the war he (the PW) named "Charley" (Woodhead) was going to strike all the Japanese



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he saw. Ieda had also told this accused that the PW had made unfair distribution (of the rice). They were two blows with an open hand (R. 484). He did not do so under Ieda's orders but of "my own free will." K. Kawamura participated in the beating (Yamagishi, Specification 3) (R. 485).

(8) K. Kawamura, having been warned of his rights, testified that he was at this branch camp from 28 December 1943 to 17 April 1945 and from 12 July to 19 September 1945, the interval being spent at the main camp (R. 488). He was assistant to the general affairs NCO (R. 489).

This accused admitted striking Upton only after he had been informed of the unfair distribution of rice and the threats against the Japanese by Yamagishi (K. Kawamura, Specification 1) (R. 489). There were several blows with the open hand on both sides of the face. Ieda and Yamagishi were present, but this accused struck Upton of his "own free will" and not because of orders from Ieda (R. 490).

Standish was the first PW duty officer in the camp being replaced in about one month by Newton. This accused did not mistreat or abuse Standish (Kawamura, Specification 2) and was not present when Standish was abused, but Hara told him there was such an incident and he saw Standish with his arm in a sling with injuries caused by blows (R. 490, 491).

This accused struck Sully about three times with an open hand when the PW's returned from the factory and it was reported to this accused, as duty officer, that Sully had stolen a Japanese workman's lunch (K. Kawamura, Specification 3). It was done before all the assembled PW's as an example (R. 492). No one else struck either Sully or Gower (R. 493). Sully showed no marks indicating a previous beating. Mizuno was not present (R. 499, 500).

H. Tanaka, the camp commander, had instructed all the Japanese personnel, on more than one occasion, that PW's were not to be struck (R. 492). He was not punished when the commanding officer learned he had struck PW's, but he was cautioned not to do it again (R. 504). A part of the camp personnel thought the commanding officer's handling of the PW's was too mild (R. 493).

This accused does not remember Matheson (K. Kawamura, Specification 4), nor Rogers, Brown, Bayly, and Wright (K. Kawamura, Specification 5) except that he remembers Rogers as a PW who wore a naval officer's uniform. This accused did not have anything to do with an incident where they were discovered wearing overcoats and made to stand outside in the snow. The camp orders permitted wearing overcoats in camp (R. 493-494).

This accused does not remember Pelletier or Mason, but he did not mistreat them (K. Kawamura, Specification 6). He was not present when Owens and White were struck (K. Kawamura, Specification 7), but he heard that Owens was apprehended carrying edible oil into camp in his canteen and that he was struck by the then camp commander, Lieutenant Okada (R. 494) and that Owens had his arm broken (R. 495).

This accused did not beat or otherwise abuse PW Moody (K. Kawamura, Specification 8) (R. 495).

There was a regulation that PW's were forbidden to have certain articles in their possession--knives, ropes, etc.--and inspections were conducted in that regard. This accused has slapped PW's on occasions for violations of this rule, and Solecki (K. Kawamura, Specification 9) may have been one of them (R. 495).

The incident of PW Leigh (K. Kawamura, Spection 10) may have been when accused pushed and shoved a number of British PW's who lingered outside their barracks when ordered to go inside. He did not kick them. It was desired to prevent their hearing the Emperor's radio broadcast accepting the Potsdam Declaration (R. 495, 496).



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This accused does not recall Sloss and did not wear a ring (K. Kawamura Specification 11). He remembers Anderson (K. Kawamura, Specification 12). He did not beat Anderson and Cornwell at the factory and never went there as a guard (R. 496-497).

As to Specification 13 (omnibus), this accused did not strike or mistreat Waggoner, but he recalls hearing about the incident (R. 497).

(9) T. Mizuno, having been warned of his rights (R. 504), elected to be sworn as a witness and testify (R. 505). He was paymaster sergeant at this camp from 28 December 1943 until 18 April 1945. He handled the Red Cross supplies. He did not convert any of them to his own use (Mizuno, Specification 6). Two boxes each were received three times, and all were distributed (R. 505-506). There were no boxes in stock when he left the camp (R. 506). The empty boxes were sometimes used by Japanese to store clothing in and to carry it out on transfer to another station. He and Hara used such boxes, as trunks, when they were transferred (R. 507, 520).

On one occasion unpolished rice was carried to the village by PW's to a rice-polishing mill and returned for a meal during an inspection of the camp (R. 507-508). Accused lived about twenty kilometers from camp, and it is not true that food was carried by PW's to his home (R. 511). H. Tanaka established vegetable gardens in camp and this accused got the factory to add to the ration of the PW's at work there such items as vegetables and flour. He also purchased other vegetables with money supplied by the company, which was done at H. Tanaka's order (R. 514). The food for the camp personnel was entirely separate from the PW food and supplied from a different source, with which this accused had no connection (R. 517-518). These items of food were kept in separate buildings and prepared in separate kitchens (R. 518).

This accused does not recall PW's Sally and Gower (Mizuno, Specification 1) at all; he recalls accused Tanaka cautioning Newton and others about having unauthorized articles in their possession, but he does not recall any blows being struck and he did not strike or abuse any PW on that occasion (R. 508).

He did slap PW White with an open hand (R. 508) (Mizuno, Specification 3) because White had left about one-half kilo of rice in a sack when emptying it. The food situation in Japan was desperate and White refused to answer why he was so careless. PW's Upton and Mitchell were present (R. 509). He reported the incident to accused H. Tanaka (R. 510). He was not punished by Tanaka, but he was cautioned (R. 515, 516).

(10) Y. Hitosugi, having been warned of his rights, elected to be sworn and testify. He was a sergeant at this camp from 25 September 1944 to 10 July 1945, assistant to the branch camp commander (R. 526).

On 20 May 1945, while this accused was NCO of the day, PW Waggoner attempted to escape by cutting off the lock of the barracks building. He was apprehended and held by three sentries in front of the guardhouse, and this accused was called from his sleep at about 2:00 or 3:00 p.m. He did not strike or otherwise abuse Waggoner but did make him stand in front of the guard room until Lieutenant Okada came to work about 7:30 or 8:00 o'clock. The three sentries were "striking" Waggoner when he arrived at the guard room after being awakened, and he ordered them to guard Waggoner only and no more (Hitosugi, Specification 1) (R. 527-528).

On June 30, the same PW Waggoner (Hitosugi, Specification 2) was absent from morning roll call. A search was conducted, and Waggoner was found the following morning in a room next to the kitchen. On the next day following, Lieutenant Okada returned from a trip to the main camp and ordered a sentence of thirty days' major confinement. Waggoner had a cut three inches long on his neck and appeared dead on discovery. He was carried to the "resting room" where he remained about two hours, was questioned, and then taken in front of the guard room where he was bound, both hands and feet, and where he remained until 10 a.m.



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the following day (R. 529-532). Ieda came to this camp on the day Waggoner was missing and was sent out on the search. He returned for thirty minutes in the afternoon of the day Waggoner was captured and then returned to the main camp. K. Kawamura was working at the main camp at the time of the Waggoner incident and was not present (R. 532).

Lieutenant Okada and this accused put Waggoner in the guardhouse, at which time he showed no signs of having been beaten. PW Kissel took off the bonds when Waggoner was placed in the guardhouse. This accused also saw Waggoner about three times while he was in the guardhouse and there were no signs he had been beaten. This accused at no time beat or mistreat Waggoner (R. 533), and left the camp on the 6th of July and returned on the 9th of July to leave permanently on the 10th of July. He last saw Waggoner in a normal condition between the 1st and 6th of July (R. 534). The PW's while in the guardhouse received 350 grams of staple food per day (R. 533). In the trial of US vs Okada, this accused testified that Waggoner got the normal rations (R. 544).

This accused remembers PW Owens who, being a newspaper man, was selected as one who could be used as a propagandist. He was not attached to the camp when Okada is alleged to have broken Owens' arm (Hitosugi, Specifications 3 and 4) (R. 534). He does not know PW White. As to Specification 5, Moody and others, he heard about the onion stealing incident seven days after it happened, he did not do anyting "in particular" about it. As to Specifications 6 and 7, he does not recall Moody, but if Moody did violate regulations daily as he testified he did, this accused may have struck him (R. 535-536).

This accused struck PW Shrum because, after an air raid, one hundred men were needed at once. Fifty British assembled at once, but only about forty Americans (R. 536). He went to the barracks and found the senior American PW, Lieutenant Kissel, scolding them for being slow. He had the whole group fall in and then slapped each of the ten men Lieutenant Kissel had ordered to the detail for their failure to obey Kissel's order (R. 537-538).

He does not know Rogers, but he did not mistreat him (Hitosugi, Specification 10). He did not ever force any PW to eat cigarette butts, orange peels, or anything (Hitosugi, Specification 11) (R. 539, 540).

There was not a single instance where PW's were deprived of heat as a punishment (R. 541).

(11) T. Tanaka, having been advised of his rights, elected to be sworn and testify (R. 553) (Direct testimony was in affidavit form, Exhibit E). He was a civilian guard at this camp from 28 December 1943 until 28 May 1945. He never acted as NCO of the day and could not, under the rules, because he was not an NCO in the army when discharged.

As to the Waggoner incident (T. Tanaka, Specification 1), it occurred long after this accused was transferred from the camp. Moody is wrong when he testified this accused struck Waggoner.

As to the Owens and White incident (T. Tanaka, Specification 4), it occurred long after this accused left the camp. Lieutenant Okada, in his trial, took full responsibility for this incident and stated no one else was involved.

As to Matheson, accused does not deny the incident (T. Tanaka, Specification 6) but points out that only two PW's connect this accused with it, while Lieutenant (Doctor) Riley testified Matheson was "a bad POW" and knew nothing about his being punished.

This accused denies knowing Brine or of mistreating him (T. Tanaka, Specification 7); or Gittens (T. Tanaka, Specification 17); or Coates (T. Tanaka, Specification 19) concerning which he cannot go into in detail because the dates are not specifically alleged or proved; or Reed and Headford (T. Tanaka, Specificiation 20); or McConnachie (T. Tanaka, Specification 21); or Lowe (T. Tanaka, Specification 9).

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As to Cormier, he says he was beaten in August 1945; this accused left the camp in May. He did not do it (T. Tanaka, Specification 10).

This accused admits striking Spencely several hard slaps in the face with an open palm. Spencely had kicked Kokubo on the leg while riding on the train, and this accused saw the marks (T. Tanaka, Specification 11). He also admits slapping Jamie (T. Tanaka, Specification 13) two or three times at the factory for attempting to trade soap for eggs. No one else was involved.

As to the MacKenzie incident (T. Tanaka, Specification 15), he does not recall it. Of the eight prosecution witnesses to this incident, only one, not the victim, says this accused was there.

As to Haynes (T. Tanaka, Specification 16), Eley (T. Tanaka Specification 18), Mabb (T. Tanaka, Specification 22), and Broadbridge (T. Tanaka, Specification 23), this accused denies his participation. He never punished anyone by making them hold a bucket of water and, if, as Broadbridge says, he was beaten for one and one-half hours with "a wooden plank" this accused is sure he would remember it, but he does not and hence denies it.

As to the Dube, Kissel, and Tinsley incident (T. Tanaka, Specification 2), this accused did strike Tinsley and Dube with the "paper duty roster" several times across the face. This was because one American PW was in the British area against orders. He did not strike Kissel or Newton. He does not recall seeing Kawai, who was NCO present, do so, but he may have.

This accused denies striking Davey (T. Tanaka, Specification 24); he admits slapping either Kirkwood or Malikin because he stole molasses and had it in his possession (T. Tanaka, Specification 25). He did not strike the other. He denies the mistreatment of Wood (T. Tanaka, Specification 26), and Samuels (T. Tanaka, Specification 27).

As to Specification 28, this accused admits slapping either Sully or Gower--whichever stole the lunch from one of the Japanese factory workers. Yadoiwa, Kawai, and Toyama only were present. Kawai slapped the one who admitted the theft and so did this accused. Yadoiwa and the other guard slapped both.

This accused denies mistreating Sloss (T. Tanaka, Specification 29), or Fare (T. Tanaka, Specification 30), or Eley, Reed, and Ashman (T. Tanaka, Specification 31).

As to T. Tanaka, Specification 3, this accused denies any mistreatment of Moody and others involving onions. There was no garden at the factory in April 1945. Moody only said this accused was present and he is mistaken.

As to T. Tanaka, Specification 5, Venable and White are alleged to have been beaten because they permitted Waggoner to escape. This accused could not have participated because he had been transferred from the camp long before Waggoner escaped and he did not participate.

As to T. Tanaka, Specification 8, this accused did not beat Standish in February 1945, but he did slap him twice in the spring of 1944 for insulting Hara. It was done in the presence of and at the direction of Corporal Montoni.

This accused denies mistreating Anderson and Cornwell (T. Tanaka, Specification 32) and most emphatically denies mistreating Joanilho (T. Tanaka, Specification 12). The one who abused Joanilho was Toyama and many people knew it. Joanilho was mistaken in pointing out this accused. Lieutenant (Doctor) Riley says it was Toyama and he should know because he treated Joanilho immediately afterward.

As to T. Tanaka, Specification 34, the Allen incident, this accused did not do it. Toyama himself admits this mistreatment of Allen and all the affidavits say he did it; the Cunningham incident this accused denies; only one witness says anything about it and that on hearsay; the Allen, Connell, and Anderson incident he denies; as to the Moody incident, he recalls slapping some



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PW at the factory for stealing oil and some PW on the way from the factory for stealing onions.

As to additional Specification 1, this accused denies striking or mistreating Mann and describes all of his activities of that period, particularly showing he was absent from the camp for eight days after Mann was captured.

As to T. Tanaka Additional Specification 2 and T. Tanaka Additional Specification 3, this accused denies mistreating the victims named (All from Ex. E).

(12) S. Kawai, having been advised of his rights, elected to be sworn and testify (R. 599). Direct testimony was in affidavit form, Exhibit Q. He was a civilian guard at the camp from 25 December 1943 to 15 June 1945. As to Specifications 1, MacKenzie; 2, Haynes; 6, Weston; 10, Lowe; 14, Mabb; 15, Franckom; 17, Moody (Tar paper incident); and 18, Moody and Qwens (Molasses incident), this accused does not recall anything about them, but points out that Weston does not name him.

As to Specification 3, Owens and White, and Specification 5, Waggoner, he specifically denies any guilt because he was transferred from camp before these events occurred.

As to Specification 4, Moody; Specification 11, Standish; Specification 16, Fowler; and Specification 19 (omnibus) Fare, Gregory, and MacArthur, this accused denies pointing out that Standish, in his affidavit, shows that he knows accused but does not name him as the perpetrator of his beating, and that, as to Specification 4 Moody, this accused was present, saw the incident but did not take part. Yadoiwa was the only one who struck the PW.

As to Specification 7, Sully and Gower, this accused admits striking the one who stole the lunch and states that T. Tanaka did also. Yadoiwa struck both. As to Specification 9, Bristow and Goldstein, this accused slapped one, three or four times and made him eat the "mizo" he had stolen. Kato and Yadoiwa were present but they did not take part. As to Specification 12, Dube, Kissel, and Tinsley, this accused admits slapping them all several times; one for being in the British PW barracks, the other for attempting to conceal his absence from regular roll call taken shortly afterwards in the American barracks. As to Specification 13, Moody and others (the onion incident), this accused slapped each hard two times. No one else was involved (Ex. Q).

(13) J. Kameda, having been warned of his rights, testified by affidavit (R. 604). He became an employee of the factory in December 1943 and was conscripted into the Japanese Army on 1 June 1944. He was re-employed at the factory on 20 September 1944. There were several men in similar jobs who wore fur collared coats, and this accused believes some of the PW's may have confused him with some of them.

As to the Waggoner incident (Kameda, Specification 1), this accused gives a detailed description of his movements from 19 June 1945 to 8 July 1945, showing his absence from camp. (Inasmuch as he was acquitted of this charge and his evidence involves none of the other accused, no recital thereof is necessary.)

This accused admits slapping PW Golly not more than twice for chewing tar (Kameda, Specification 2). He denies mistreating PW Connell (Kameda, Specification 3) and believes this is a case of mistaken identity since he has no scar on his face as testified by prosecution. He denies mistreating Leight and Walker, but did see them at the time testified to and touched one of them on the shoulder to attract his attention.

As to Specification 5 (omnibus), this accused:

(a) Admits slapping Anderson once or twice across the face for stealing food and eating it at the factory.



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(b) Admits slapping four PW's two times each in connection with the "lime bag" incident. Sawano and Yadoiwa slapped some also because they were trying to avoid carrying the bags, their fair share, and would not halt when ordered.

(c) Admits slapping one of the three men involved in the Curry, Waggoner, and White incidents because he tried to conceal that he was chewing tar. He did not slap the other two who admitted that they were and stopped (Ex. S).

(14) I. Yadoiwa, having been advised of his rights, elected to be sworn and testify (R. 639). He was a civilian guard at this camp from 1 April 1944 to 19 September 1945 (R. 640).

As to Yadoiwa, Specification 1, the Waggoner incident, this accused learned Waggoner had escaped on the morning of June 30, and he was dispatched at once to search outside the camp. He returned at about 11 a.m. and, after lunch, went out again with Ieda and did not return until 5 p.m. on the next day when they saw Waggoner tied up in front of the guardhouse. After reporting to the commanding officer, he went home, returned the next morning, took the PW's to work, returned in the evening and again went home. Later, he saw Waggoner twice in the guardhouse when he took roll call (R. 640). He never entered Waggoner's cell; heard of Waggoner's death in conversation at the office; and never, at any time, "struck, kicked, beat, or laid a hand" on Waggoner (R. 640-641).

This accused denies that he participated in any of the following incidents: Specification 3 (Owens and White), but he saw them standing in front of the guard room and later heard that Lieutenant Okada had struck them and broke Owens' arm (R. 642); Specification 7 (Moody and others) (R. 647-648); Specification 10 (Reed and Headford) (R. 649); Specification 11 (Frackon) (R. 649); Specification 12 (Broadbridge) (R. 650); Specification 13 (Kirkwood), although he recalls a PW who fell down when running back to camp during an air raid and accused pushed him from behind to help him hurry (R. 650, 561) and Specification 15 (Tyler) (R. 652).

Accused admits participation in the following incidents to the extent indicated: Specification 2, he struck Weston once with open hand for trading soap (R. 642); Specification 4, he struck Bristow twice with open hand only for leaving work and searching around a nearby bombed-out building (R. 643); Specification 5, he kicked either Orsini or Brent, one-not both, as a signal to get up and hurry after Toyama had struck him and pushed him down for having been found with a scratch pad at show down inspection (R. 644); Specification 6 (Moody and Owens), he struck each of four men for having stolen molasses in their possession, and was the only one who struck them (R. 647); Specification 8, he struck Moody only of the group involved in stealing onions (R. 648); Specification 9, he slapped Haynes three times with open palm for having a map of Japan in his possession (R. 649); Specification 14, he struck both Sully and Gower because of the stealing of a workman's lunch, but did not participate in any later punishment (R. 651, 652) and Specification 15, he struck several PW's involved in the lime bag incident, although he is not charged with this offense (R. 653).

(15) T. Nakagawa, one of the accused, was sworn and testified, by affidavit (R. 656). He is an ex-soldier with five major wounds received in China. He was a guard at the camp for the summer of 1944 to 25 February 1945. As to the Specifications, accused stated as follows:

Specification 1, this accused slapped Walker three times on the train because he stood in an open door in a very dangerous position to urinate. After returning to camp, accused attempted to speak with Walker to make him understand why he was slapped. Walker was surly so accused slapped him "fairly hard" two times more. As to Specification 2, this accused struck Garcia five or six times with his fist after dismounting from the train on a return trip to camp. Contrary to repeated orders, Garcia had climbed through the train window to get a seat. Accused also made him stand and let another PW sit down during the ride. As to additional Specification 1, accused denies mistreating Roskovich, Kristopovich and Sheehan and believes he was not in the camp at the time. As to the two



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omnibus specifications, he denies mistreating Joanilho or Moody (Specification 3) or Fitzjohn and Gallegos or C. Lynch (Additional Specification 2) (Ex. CC).

(16) H. Sakai, having been advised of his rights, elected to be sworn and testify (R. 660). He stated, by affidavit, that he was employed at the factory from December 1937, but until the latter part of February 1945, he was in the shipping department and had no contact whatsoever with PW's. (As to Specification 1, the Waggoner incident and Specification 2, the Moody incident, this accused gives a detailed recital of his absence from camp, in the one case, and of Moody's strong indication that accused was not involved in the other. Inasmuch as this accused was acquitted of both specifications and the evidences does not pertain to other accused, no recital thereof is needed.)

As to Specification 3, S. T. Smith, this accused denies beating Smith.

As to Specification 4, accused heard Tyler testify to three instances of mistreatment. Accused denies striking Tyler because of his failure to properly unload some lumber. Accused admits striking Tyler twice with open palm for loafing a long time after being excused to go to the latrine; and accused denies throwing a rock which struck Tyler in back. It was a piece of coke that fell from a truck being loaded. Accused denies mistreating Joanilho (Ex. NN, R. 663, 666).

(17) A. Murase, having been warned of his rights, elected to be sworn and testify (R. 674). Murase denies participation in the Waggoner incident (Specification 1), the Watts incident (Specification 2), and the Coates incident (Specification 3). (Inasmuch as he was acquitted of all three and his evidence involves no other accused, no recital of it is necessary.) He admits poking a PW on the forehead with two fingers to wake him up (Ex. SS).

(18) N. Kokubo, having been advised of his rights, elected to be sworn and testify (R. 675). It is apparent he is a man of exceedingly low comprehension but he appears to have been able to understand the nature of the charges against him and co-operate in his own defense. Defense, however, specifically disclaimed any contention that he was insane or unable to understand right from wrong (R. 676 678). He denied all specifications or any knowledge of the events except Specification 6 as to which he admitted striking Spencely because Spencely kicked him on the train (R. 679-684).

(19) H. Tanaka, having been advised of his rights, elected to be sworn and testify (R. 746). He took charge of the camp on 28 December 1943 after being instructed by his superiors that PW's were to be treated humanely (R. 747). He instructed his subordinates that they must not punish PW's two or three days later (R. 750). All told, he gave such instructions sixteen or seventeen times (R. 760). He left this camp 5 April 1945; having concurrent duties, he returned many times, sometimes for a full day. On 26 April, he became commander of another branch camp (R. 748-749). He met with the company officials and instructed them that PW's were not dishonorable men, as was commonly believed in Japan, but that they must be respected (R. 751); the working hour schedule was determined 8:00 to 4:30 with two fifteen minute breaks and an hour for lunch. The rest periods were observed (R. 752). Around the end of 1944, there was a message from Osaka Main Camp that the hours be extended, but he did not comply. The PW medical officer decided who would be in work party seven for lighter labor. He was never overruled (R. 753). There was no fixed quota that had to go to work. He and the factory people obtained additional medicines and supplies and, in addition to the company doctor, the services of a dentist, surgeon and optician (R. 754). When he first went to the camp, there were no stoves. He had them bought or made and got fuel from the factory (R. 761, 762).

He appointed Standish duty officer for the British over Newton and others who were senior because Standish was the most trustworthy. Standish never reported that PW's were mistreated. Newton reported once that Toyama struck PW's. He reported Toyama's misconduct to his superior but was told to keep him because of personnel shortages. Standish asked to be relieved when he was mistreated. Upton reported it first; this accused interrogated Standish; he learned



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that Hara and T. Tanaka had struck Standish so he reprimanded both and reported it to his superior. He had no authority to fire employees (R. 755-758). In addition to this, K. Kawamura, at one time, reported that he had struck a PW for stealing. T. Tanaka was reported on one other instance (R. 759-760, 787).

As to particular specifications, this accused admits he slapped Kissel (Specification 5) once and Newton (Specification 6) two or three times with open hand because they refused to stop PW's for having forbidden items in their possessions after Tanaka had ordered them, as NCO's in charge, to do so. The incidents occurred on the same day, not separately as alleged. He does not recall any incident involving Matheson (Specification 11a); Spencely (Specification 11b); Gittens (Specification 11f); MacKenzie (Specification 11g); Rogers, Brown, and others (Specification 11h); Allen (Specification 11i); Josey and Simmons (Specification 11j); Anderson and Cornwell (Specification 11n); Orsini (Specification 11o); Connell (Specification 11s); Watts (Specification 11u); Lowe (Specification 11v); Pelletier and Mason (Specification 11w); Eley, Reed, and Ashman (Specification 11x); Brine (Specification 11y); Broadbridge (Specification 11z); or Charles Walker (Specification 11aa). He does not remember Devereaux (Specification 7), but he did slap some PW four or five times with an open hand. He specifically denies the incident involving Jamie (Specification 8) since he was not in camp; Joanilho (Specification 11d) concerning whose burns he made an investigation and everyone informed him they were due to carelessness on the part of the PW; Sully and Gower (Specification 11e) on whom he had a report and put them in the guardhouse one day but was not told they had been beaten before; Moody (Specification 11p) because Sawano was never in the camp when accused was commanding officer and Owens (Specification 11q) (R. 765-773). He did not interrogate Joanilho himself (R. 800). He could not have been involved in the Moody incident (Specification 11p), the onion incident, because it occurred after the big factory was bombed and that was after this accused was transferred (R. 785-786).

Accused became a commissioned officer in the Japanese Army only one or two days before he was placed in charge of the camp (R. 797). He could recommend a soldier for court martial, but had no authority to put one in the guardhouse. He did neither. The civilians were hired by the main camp in the factory. He could not fire them (R. 798). He did not strike guards for abusing PW's (R. 799), but he did "bawl them out" (R. 801).

(20) K. Kondo, having been duly warned of his rights (R. 813), stated by affidavit (Ex. MMM) that he became a civilian guard at the camp in the middle of November 1944.

As to Specification 1, Waggoner, this accused was awakened about 4:00 or 5:00 a.m. on a day in the middle of July by a corporal and informed that a PW was missing. He was sent out at once to search and to mobilize the police and villagers to assist. While so engaged, they were informed by telephone that Waggoner was found, and they returned to camp at about 9:00 or 10:00 a.m. the next day. He went over to where Waggoner was standing near the guardhouse. His face was bruised and swollen. This accused struck him twice, "very bad," across the face with open hand. He was very angry because Waggoner had caused so much trouble to the guards, the police, the people in nearby villages, etc. He saw Waggoner again the next morning in the same place but did not touch him. He saw Waggoner once more three or four days later, just a quick look into his cell at roll call to see that he was there. Later, he heard Waggoner was dead. (Inasmuch as this accused was acquitted of all other specifications and his evidence thereon does not involve others, no recital thereof is necessary (Ex. MMM)).

(21) G. Kato, having been advised of his rights, elected to be sworn and testify (R. 823). He became a civilian guard at the camp in May of 1944.

As to Specification 2, this accused admits slapping Mabb several times across the face because Mabb refused to hurry to the station when an air raid was on and had knocked accused's hand away when accused was urging him. Mabb was not knocked down.

As to Specification 3 (omnibus), this accused saw Kawai slap Goldstein and Bristow and force them to eat the "miso-lees," but this accused only stood a



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few meters away and did not participate. He denies striking Richards, but he admits striking three P.'s (Ex. 1MM).

H. Tanaka instructed the guard not to strike P.'s (R. 825), and he did not report on the occasion when he did (R. 826). This accused was not confined in the guardhouse for mistreating P.'s on orders from the main camp (R. 827).

5. Opinion

The commission was properly constituted, was appointed by proper authority and had jurisdiction of the accused and the offenses charged. There is nothing in the record to indicate that any individual accused was insane or mentally incompetent at the time of the commission of the offenses or at the time of the trial. Each accused contributed to his own defense and, with one exception, testified in his own behalf. They were ably defended by competent counsel and the commission conducted the trial with most exemplary fairness and impartiality. The record, as a whole, indicates that the commission and counsel were most commendably zealous in safeguarding both the rights of accused and society, and the trial evidences, to a high degree, that calm, judicious procedure so desirable in cases which involve peoples of different races and nationalities with their attendant differences in judicial procedure and mores.

In a trial which extended over a period of almost three months, it is to be expected that some irregularities would be manifested. In this case, a modest few of minor importance merit comment.

(a) Of somewhat serious connotation is the absence of accused Kato from 0900, 24 September, to 0900, 26 September 1947 (R. 241, 298). Accused Asakura was also absent during some small part of the trial (R. 812). It is contrary to the precepts of Anglo-Saxon law, as applied in the United States, to try an accused in absentia and many cases have so held. The United States Supreme Court, in Lewis vs United States, 146, US 370, said:

> "A leading principle that pervades the entire law of criminal procedure is that, after indictment found, nothing shall be done in the absence of the prisoner. . . ."

Accepting the principle that these courts are international in character and not bound by the decisions of the United States Supreme Court, for the purposes of this discussion, it is none the less, the better procedure to require the presence of the accused at all stages of his trial. Here the commission minimized the error by limiting the evidence, during the absence of an accused, to matters not pertinent to him. This was a trial in common and not a joint trial. It may, therefore, be said that, technically, at least, each accused was present during his trial. It is believed the error was not prejudicial. The accused Kato received a sentence of two years and was confined on 2 May 1947. Accused Asakura was acquitted.

(b) As to the findings on individual specifications, two or three merit comment:

(1) Specifications 8 and 11m of H. Tanaka and Specification 13 of T. Tanaka: This incident involving P. Jamie was one in which he was used as a go between by Father Riley in a transaction wherein an attempt was made to trade soap for food with Japanese people at the factory. P. Jamie carried Father Riley's letter on the subject and was apprehended at the factory with either the soap or the letter. Accused H. Tanaka denied participation or command responsibility claiming that he was not present in the camp at the time. Accused K. Kawamura, in his testimony, admitted slapping Father Riley in this



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connection and stated that it was done at the order of the camp commander. Record 50 and Prosecution's Exhibit 1 establish that K. Kawamura and H. Tanaka arrived in camp on the same day and that K. Kawamura departed four days before H. Tanaka. It follows that, in the incident, H. Tanaka was the camp commander and his conviction is sustained.

(2) In Specification 11c of H. Tanaka, 8 of T. Tanaka, and 1 of Hara, the evidence fails to further establish the guilt of H. Tanaka for command responsibility covering this offense. PW Standish was selected by H. Tanaka as the permanent day duty officer for the British PW's when he arrived in camp in January 1944. About a week later, he spent considerable time in the office of H. Tanaka one afternoon. That evening he was beaten by Hara and T. Tanaka and, according to Standish, he "understood that they were under the impression that (he) reported some of their actions to the camp commandant." The next morning H. Tanaka found Standish in bed with his face "all smashed up" and asked what was the matter. Standish also states that "all the guards were called in the camp commandant's office on that night but, to (his) knowledge, no disciplinary action was taken against the two guards responsible for (his) beating" (Ex. 89). It is obvious from the foregoing that this beating was not participated in, concurred in, nor approved by H. Tanaka. It rather affirmatively appears that both of the perpetrators therein did so with the purpose of preventing the camp commander from learning of unlawful acts. The event occurred within a few weeks after the arrival of H. Tanaka and his assumption of command, which negatives the presumption that he had prior knowledge or should have known the incident was likely to occur. Although the dates of several instances, including this one, are not so definitely fixed that it can positively be said that this is the first instance of mistreatment occurring after the assumption of command by H. Tanaka, it was certainly one of the first and probably the first. H. Tanaka had received his commission as an officer only a few weeks before and had had no prior command. For these reasons it cannot be said that he either lacked diligence or can be charged with prior knowledge of the likelihood of the commission of this offense. The gravaman of this offense is not that he failed to take disciplinary action against the perpetrators, but rather that he failed to prevent the beating. There is his own evidence that he did attempt to have the guards disciplined, and there is no evidence to refute it. Both of these items being only collateral to the issue of the guilt of the accused of this particular specification, the circumstances are such as to raise a strong doubt of his guilt and warrant the disapproval of the finding of guilty of this specification. There is positive evidence that he did not know of the offense and did not condone it. There is no evidence that he should have known of it or could have prevented it.

(3) As to Specification 11cc of H. Tanaka, the finding of the commission, with exceptions, results in a finding which reads:

> "That at divers times between 28 December 1948 and 1 May 1945, at or near Nagoya Area Prisoner of War Camp No. 2, Narumi, Honshu, Japan, the accused, Hiroshi Tanaka, did unlawfully disregard and fail to discharge his duties as commander of said camp to restrain and control the members of his command and persons under his supervision and control, from committing the following atrocities and other offenses against Allied Prisoners of War:
>
> .....
>
> "cc. At divers times between December 23, 1945 and 1 May 1945 the unlawful imposition upon Allied Prisoners of War of collective punishments, including"

The commission by its finding (R. 939) excepted from the specification the several descriptive phrases which identified the collective punishments, namely,



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deprivation of fires for heat during cold weather, extra fatigue duty, decreasing of rations, etc. In all of the specifications against all of the accused, no other person has been accused of the imposition of collective punishments, and none of the subordinates of H. Tanaka or persons under his control have been found guilty of so doing. All of the evidence pertaining to collective punishments indicates that he personally may have deprived prisoners of fires for heating, awarded extra fatigue duty, decreased rations, etc., but he has been expressly found not guilty thereof by the commission. There are a number of instances in which various persons under his control beat a considerable number of prisoners at one time, but a diligent search of the record fails to reveal any such instance in which the prisoners thus beaten were not all accused of some offense, which removes these instances from the category of collective punishments for the offenses of an individual. The commission also, in its finding, excepted from the specification the phrase, "for offenses or violations alleged to have been committed by individual PW's." The finding of guilty as stated fails to find an offense and the evidence fails to sustain it. In view of the positive finding that accused did not deprive the PW's of fires, give them extra fatigue duty, decrease rations, etc., the finding of guilty of this specification should, therefore, be disapproved.

The opinion of the Board of Review in US vs Yuki Aoki, dated 8 October 1948 and approved by the Judge Advocate, Far East Command, is squarely in point. The commission in that case found an accused guilty in that he did "willfully and unlawfully mistreat and abuse PW ....." but, by exceptions, found him not guilty of "by confining him to the guardhouse without food and blankets .... etc." The Board of Review said:

> "All allegations of culpability expressed in the original specification by the use of the excepted words and all reasonable implications therefrom have been eliminated by the commission.
>
> > 'An accused is acquitted of all material allegations which are excepted by a court in its findings.' Dig. Ops. JAG, 1912-40, Sec. 454 (6), p. 348.
>
> "The exceptions made by the Commission emasculate the specification to the extent that it fails to supply any allegations of specific facts and circumstances which constitute the offense charged therein. ...."

The Judge Advocate, Far East Command, said:

> "I concur in the conclusions of the Board of Review that, by its exception to Specification 4 in the case of Shibano, the trial commission in legal effect found the accused not guilty of that specification."

(4) As to Specification 13 of K. Kawamura and Specification 15 of I. Yadoiwa, amendment in each case is required. These are omnibus specifications which allege in each instance that the accused at "divers times" between certain dates did mistreat and abuse "numerous" PW's. A careful perusal of all of the evidence establishes only that under the omnibus specification number 13, K. Kawamura, that he participated in the beating of PW Waggoner described at Hitosugi Specification 2, Paragraph 3a (4), and that accused Yadoiwa, Specification 15, participated in the mistreatment of PW Tyler described at Sawano Specification 8, Paragraph 3a (17).

In the case of United States vs Okubo, Case Docket No. 234, the approved review states:

> "Under Specification 4, it is alleged that accused 'at divers times' beat and otherwise abused 'numerous' prisoners. The entire evidence under this specification shows that on



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one occasion he beat Major Jones and Captain Cairns. By no stretch of imagination can this be considered 'divers times' nor can the two victims be considered to constitute 'numerous' prisoners."

Accordingly, it was recommended and approved, in the opinion referred to, that the accused be found not guilty of the words, "at divers times," and of the word, "numerous."

In conformity with the precedence established, it is recommended in this case as follows:

> That as to Kameki Kawamura, Specification 13, only so much of the finding as finds that accused did between 15 October 1944 and 1 March 1945, at Nagoya Area PW Camp No. 2, willfully and unlawfully mistreat Doyle A. Waggoner, an American Prisoner of war be approved

and that

> as to Isao Yadoiwa, Specification 15, only so much of the finding as finds that accused, between 1 April 1944 and 15 September 1945, at Nagoya Area PW Camp No. 2, did willfully and unlawfully mistreat Lawrence J. Tyler, an American Prisoner of War be approved.

These amendments of the specifications do not warrant disturbing the sentences adjudged in each case.

(c) At Record 36 to 37, the defense made a written motion pertaining to the jurisdiction of the court which, it was stated, would be incorporated in the record. The motion was denied at Record 50. There is no copy of the motion in the record and points raised are not available. There is nothing in the record to indicate that the court was without jurisdiction.

The recommendation that the finding of guilty of the two specifications above indicated should be disapproved, does not adversely affect the most exemplary fairness and impartiality with which this case was tried. In a case involving such voluminous evidence and so great a multiplicity of specifications, it is most commendable that in the pressure of courtroom procedure only three or four out of approximately two hundred and sixty specifications should need revision on review.

5. Sentences

Except as heretofore specifically set forth, there are no errors or irregularities which adversely affect the substantial rights of the accused, except as to H. Tanaka, Specifications 11c and 11cc; K. Kawamura, Specification 13; and I. Yadoiwa, Specification 15. The competent admissible evidence is legally sufficient to sustain the findings and the sentences. Accused were sentenced as follows:

| | | |
|---|---|---|
| 1. | Hiroshi Tanaka | Sixteen (16) years |
| 2. | Yukio Hitosugi | Ten (10) years |
| 3. | Shoji Kawai | Eighteen (18) years |
| 4. | Tokuichi Tanaka | Thirty (30) years |
| 5. | Tatsuo Nakagawa | Six (6) years |
| 6. | Kameki Kawamura | Eighteen (18) years |
| 7. | Isamu Hara | Three (3) years |
| 8. | Masakazu Yamagishi | Three (3) years |
| 9. | Yoshikazu Sawano | Four (4) years |
| 10. | Isao Yadoiwa | Fifteen (15) years |
| 11. | Nakazo Ieda | Four (4) years |
| 12. | Kinpachi Kondo | One (1) year |
| 13. | Tatsuo Mizuno | Eight (8) years |



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| | | |
|---|---|---|
| 14. | Genzo Kato | Two (2) years |
| 15. | Tomohisa Kawamura | One (1) year |
| 16. | Jirokichi Kameda | Five (5) years |
| 17. | Hideo Sakai | Four (4) years |
| 18. | Nobuo Kokubo | Four (4) years |
| 19. | Akihisa Murase | One (1) year |
| 20. | Masao Hayashi | Eighteen (18) months |
| 21. | Tadao Asakura and | Not Guilty |
| 22. | Minoru Mayeda | of all charges and specifications. |

These sentences indicate that the commission most carefully considered the degrees of guilt of the many people involved in these offenses. A large number of the witnesses for the prosecution spoke favorably of several of the accused. As to H. Tanaka, PW Weston stated that he was not disliked (Ex. 11); PW Watts said that he was strict but fair (Ex. 85); PW Standish stated that he ordered his guards to turn cigarettes over to the PW's. As to Yadoiwa, PW Golly stated that he often gave cigarettes to the PW's, and when required to beat them, "pulled his punches." PW Eley said that Yadoiwa was quite a good guard. Accused Hara was favorably commented upon by PW Coates, who said that he was generally sympathetic to the PW's; by PW Walker, who said he was not bad; by PW Haynes, who testified that he "did as much for the prisoners as he possibly could at all times"; by PW Anderson, who testified that Hara contributed towards the comfort and welfare of the PW's by giving them information and warning them when there would be inspections (R. 280). PW Golly testified that accused Kondo was a very nice boy and that accused Yamagishi was "tame" and "helped us" whenever he could. PW Moody also testified that accused Kondo had a "good heart." PW Tyler testified that Kondo was well liked and the prisoners never had to worry about his "picking at us or beating us over the head." PW Haynes testified (R. 209) that accused Hayashi "always attempted to be very fair"; and PW Joanilho testified that Hayashi "went out and got medicine for him when he was in the hospital." PW Haynes testified that accused Sakai did not go out of his way to inflict punishments (R. 238) and that accused Kato was not vicious (R. 239). PW Tyler testified that Kato "was not a bad fellow" (R. 330); and PW Moody testified that Kato never started anything. If he was alone with the prisoners, they would feel at ease. PW Tyler also testified that accused Murase was not too bad and that Maeda was generally liked. PW Moody testified that Sawano, with Kato and Kondo, was one of the best of the guards, "a pretty nice fellow" (R. 368) and that accused Ieda, who was just a young boy, was "a very fine fellow," who, in conversations with Moody during the time Moody was a prisoner, always was regretful that Japan and America were at war. Except as to accused Mizuno, none of the sentences appear to be excessive, the commission apparently having taken into consideration the facts favorable to each accused as outlined above.

As to accused T. Mizuno, who was found guilty of four specifications and sentenced to eight years' confinement at hard labor, the sentence appears to be excessive. In none of the four instances of which this accused was convicted is there any indication that his participation consisted of more than striking with the fist. In the incident involving PW's Sully and Gower, it is apparent that they had stolen the lunch of a Japanese workman at the factory. In the incident involving PW Finch, it appears that Mizuno struck him one blow with the fist. In the incident involving PW White, it appears that White had been careless in being wasteful of rice and accused was exercised about it at a time of critical food shortages. Only in the case of the beating of PW Solecki do the actions of this accused appear to be without reason, and even in that case Solecki was short items of clothing on inspection and accused may well have believed that he sold or bartered them.

In opposition to these four instances of slapping or striking with the fist, it is noted that none of the PW's who testified spoke of this accused either as being of the worst or the best of the guards, which would indicate that he was inconspicuous and certainly not a perpetrator of vicious atrocities. Comparing the gravity of his offenses and sentence with the offenses and sentences of the other accused here involved, it is indicated that a



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reduction thereof to a period of confinement at hard labor for a period of five years is justified.

Approximately sixty petitions for clemency made by relatives and friends of almost all of the accused have been received and considered. None of the data contained therein brings forward new information relative to the guilt of any of the accused or the degree thereof.

Concerning the sentences which may appear to be inadequate, no comment is made inasmuch as they cannot be changed on review.

6. Recommendations

It is, therefore, recommended that the findings, except as to H. Tanaka, Specification 11c and Specification 11cc; K. Kawamura, Specification 13; and I. Yadoiwa, Specification 15, be approved and that the sentences, except in the case of accused T. Mizuno be approved, and that the sentence of accused T. Mizuno be reduced to confinement at hard labor for five years. Forms of actions designed to accomplish these recommendations are attached.

MAC ALAN FREITAG
Reviewer
Judge Advocate Section

I concur in general.

The absence of an accused during parts of the trial, for good cause, is not necessarily an error. It is better, of course, that he be present throughout but the sound test is whether he was informed of the substance of all the proceedings in the trial and was afforded a reasonably full opportunity adequately to defend against the charges. As measured by these tests no error appears in these cases.

With respect to the allegations in Specification 15, Yadoiwa, the evidence established participation by the accused in the slapping of about fifty prisoners of war (R 316-317; Ex 35).

As to Mizuno's sentence it is noted that abuses in which he was a principal actor resulted in one prisoner being knocked completely unconscious at his hands; another suffered impairment of his hearing; still another received a perforation of the ear drum; other mistreatments are laid at the door of this accused. Under circumstances such as these, it cannot be established that a sentence of eight (8) years is excessive. Approval is recommended.

Proposed alternate actions to implement these recommendations are attached.

The following excerpt from letter addressed to Commanding General, Eighth Army, by workers in the Japan Rolling Stock Manufacturing Company asking clemency for H. Tanaka is gratifying to those charged with the conduct of war crimes trials:

"We are much obliged for your trouble you take to see that justice and fairness is administered at the trial."

and another:

"Learning your fair judgments in trials through newspapers and radio broadcasting, we always respectfully tender our sincere thanks and respects



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for your justice and benevolence."

and again:

"We are grateful to the fair judgment of American Military Commission in Yokohama."

and:

"We have sense of gratitude and much concern to the fair judgment at the American Military Tribunal at Yokohama."

Defense advisory counsel said in final argument (R 882):

" * * * I wish to express my appreciation to this commission for the fine reception they have given me . . . . We have had a fair trial . . . ."

ALLAN R. BROWNE
Lt Col JAGC
Army Judge Advocate

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